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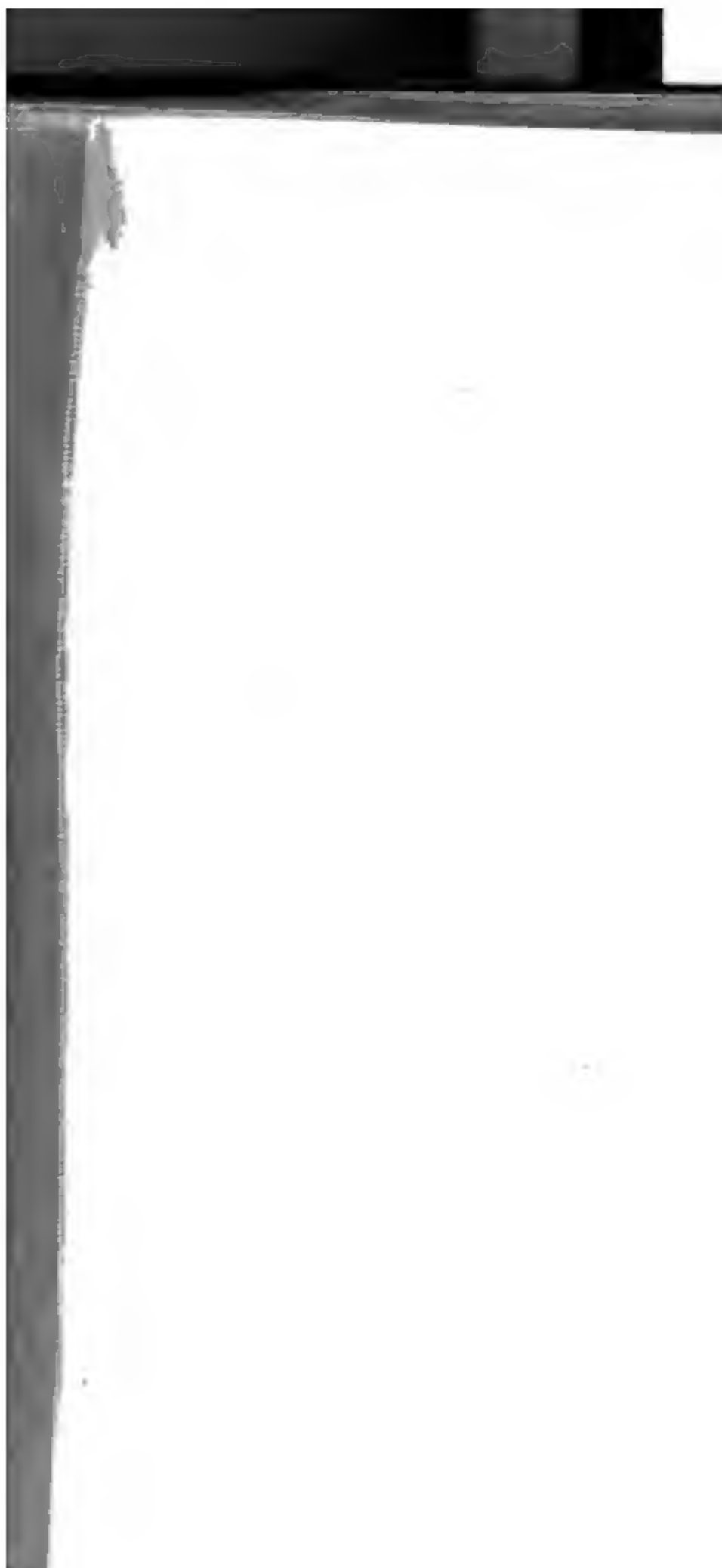














**SELECT DOCUMENTS**  
**OF**  
**ENGLISH CONSTITUTIONAL HISTORY**

The  Co.

Select Documents  
of  
English Constitutional History

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## PREFACE

**THE** pressure felt by two teachers of English history for a comprehensive volume of documents bearing on the development of the English constitution has led to the compilation of this volume. No source book for the illustration of English history yet published has met the needs of the student of constitutional history. The excellent selections made by the late Bishop of Oxford, Mr. G. W. Prothero, Mr. S. R. Gardiner, and Messrs. Gee and Hardy only cover limited periods, or deal with one aspect of the subject. Excellent as those selections are, they are too advanced or too partial to be used in a college undergraduate course covering a single year. The University of Pennsylvania Reprints and the Old South Leaflets contain too little material to illustrate a full course of English constitutional history. The editors have been guided in the present selection by their practical experience in undergraduate work, and it is hoped that it may meet the demands of similar courses of study in other colleges, and also of courses pursued in some secondary and in many law schools.

Every teacher of history has his own ideas of the relative importance of documents, and this compilation cannot expect to escape criticism either for its selections or for its omissions. There was no difficulty in deciding upon the insertion of the most famous documents, such as Magna Charta and the Bill of Rights, but the selection of documents of lesser importance to form illustrations of the growth of constitutional customs and traditions was of greater difficulty. The editors have kept in mind in making the selection that they were dealing with constitutional and legal, and not with political, economic, and social questions, and under this ruling many important documents, like the Grand



Although it might be indispensable for use their documents in the original language, it is not reasonable to expect from large undergraduate classes to enable all students in them to make ready use of the documents. It was desired also to provide for the growing demand for such material in secondary schools. Professor G. B. Adams, who is responsible for the editing of the documents down to 1485, is responsible for the translations of these documents, but in the official translation in the *Statutes of the University of Cambridge* followed with only slight changes. Professor Adams assumes that all the difficulties of translation have been for the first time, overcome, and he will be grateful to those who call his attention to errors which have escaped his considerable pains to avoid them.

The problem with regard to the later documents has been one of abridgment rather than of translation. The greater length of the later documents made it impossible to print them in full, and Professor Morse Stephens is responsible for the abridgment as well as for the selection and editing of the documents. It is as objectionable theoretically to translate an original document, but as in the case of the earlier documents the abridgments have been necessitated by practical considerations. A few of the most important documents are printed in full.

Stubbs, Mr. Prothero, and Mr. Gardiner are the learned introductions to the documents they have edited. The editors of the present selection did not feel it incumbent upon them to follow this example, for their selection is intended to be used in class along with some recognized text-book. The same consideration which caused them to reject a general introduction explains also the absence of special introductions to the different documents. All that has been done is to give the date, a reference to the original source, and occasionally to former reprints, and in the case of documents earlier than 1485 to the pages in Stubbs's *Constitutional History* where there is some discussion of the document.

A few words should be given to the want of uniformity in spelling and capitalization. As a general rule this reprint follows the spelling and capitalization of the source from which the document is taken, as indicated at the head of each number. Some of the later documents, such as 264, 265, and 266 preserve the capitalization of the Acts of Parliament exactly as they were printed; others follow the system used in earlier reprints; while others again have been completely modernized. In all cases the originals have been collated, but it was believed to be unnecessary to return in every case to the original spelling and capitalization.

It only remains for the editors to express their great obligations to their predecessors. Such a work as this could never have been successfully undertaken had not the way been prepared by such distinguished scholars as Bishop Stubbs, Mr. Prothero, and Mr. Gardiner. Full credit has been given at the head of each number when any document has been taken from the volumes edited by these three historians, even although their reprints have been carefully collated with the originals and occasional slips corrected. It is hoped that one of the results of using this compilation with undergraduate classes will be to attract attention to the interest and importance of the study of documents, so that more advanced students will turn to the more full and elaborate editions of these distinguished scholars. Their three volumes, however, do not cover the whole field. The *Select Charters and Other Illustrations*

1525 to 1660. For the gaps which lie between considerable use has been made of the excellent *Documents Illustrative of English Church History* of Messrs. Gee and W. J. Hardy, but for the most part the documents reprinted have been selected. In the *Stubbs's Select Charters* a number of documents of that collection have been included, especially in the history of law.

Our thanks are due to Messrs. Gee and Hardy for permission to use a few of the translations in their *Documents Illustrative of English Church History*, and to Professor James H. Munroe of the University of Pennsylvania for similar permission to make use of translations in his *Translations and Cases*. In some cases specific acknowledgment is made at the end of the chapters from which the translations are borrowed. We desire to express our thanks for the assistance rendered in getting this book into form to the Professor G. M. Dutcher, Wesleyan University, New Haven, Connecticut.

GEORGE  
H. MORS

OCTOBER 5, 1901.

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## ABBREVIATIONS

**Bigelow Placita :** Bigelow's Placita Anglo-Normannica.

**Cheyney :** Professor Cheyney in University of Pennsylvania Translations and Reprints.

**G. & H. :** Gee and Hardy's Documents Illustrative of English Church History.

**R. P. :** Rolls of Parliament.

**S. L. :** Statutes at Large.

**S. R. :** Statutes of the Realm.

**Stubbs :** Stubbs' Constitutional History.

**Stubbs, S. C. :** Stubbs' Select Charters.



# English

## Constitutional Documents

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### I. Ordinance separating the Spiritual and Temporal Courts

(Date unknown. Latin text, Stubbs, *S. C.* 85. Translation, G. and H. 57. 1 Stubbs, 307.)

**W**ILLIAM, by the grace of God king of the English, to R. Bainard, and G. de Magneville, and Peter de Valoines, and all my liege men of Essex, Hertfordshire and Middlesex greeting. Know ye and all my liege men resident in England, that I have by my common council, and by the advice of the archbishops, bishops, abbots and chief men of my realm, determined that the episcopal laws be mended as not having been kept properly nor according to the decrees of the sacred canons throughout the realm of England, even to my own times. Accordingly I command and charge you by royal authority that no bishop nor archdeacon do hereafter hold pleas of episcopal laws in the Hundred, nor bring a cause to the judgment of secular men which concerns the rule of souls. But whoever shall be impleaded by the episcopal laws for any cause or crime, let him come to the place which the bishop shall choose and name for this purpose, and there answer for his cause or crime, and not according to the Hundred but according to the canons and episcopal laws, and let him do right to God and his bishop. But if any one, being lifted up with pride, refuse to come to the bishop's court, let him be summoned three several times, and if by this means, even, he come not to obedience, let the authority of the king or sheriff be exerted; and he who refuses to come to the bishop's judgment shall make good the bishop's law for every summons. This too I absolutely forbid that any sheriff, reeve or king's minister, or any other layman, do in any wise concern himself with the laws which belong to the bishop, or bring another man to judgment save in the



WILLIAM, king of the English, to  
to Roger Count of Mortain, &  
Coutances, greeting.

I order and direct you to assemble  
were present at the trial held concerning  
of Ely, before my consort went to Normandy  
them, also, let there be those of my barons  
be present and who were present at the trial  
hold lands of the same church. When  
let there be chosen some of those Englishmen  
the lands of the said church were situated  
Edward died, and what they say about  
witness by an oath. This done, let there be  
the lands which were in its demesne on the death of  
Edward, excepting those which men claim  
them. With regard to these, signify to me  
are and who hold them. But let those who  
which, without doubt, ought to be held from  
best agreement they can with the abbot, and  
lands remain to the church. Let this also  
those who hold sac and soc. Finally, order  
erto by my order and direction have been  
keep in repair the bridge at Ely.



### 3. Title of the Domesday Book

(1086. Latin text, Stubbs. *Domesday Book*, 2.

the number of plows on the demesne, the number of those of the men ; the number of villeins ; the number of cotters ; the number of ~~serfs~~ ; the number of freemen ; the number of sokemen ; the amount of forest ; the amount of meadow ; the number of pastures ; the number of mills ; the number of fishponds ; how much it has been increased or diminished ; how much it was all worth then ; and how much now ; how much each freeman and sokeman held and holds there. All this three times over, namely, in the time of King Edward, and when King William gave it, and as it now is, and if more can be had than is had.

## 4. Typical Domesday Entries

(1086. Latin original. Translation by Editors. Specific references below.)

1. The same earl holds Hiham. Godwin held it. In the time of King Edward there were two hides and a half, but it was assessed at two hides, as they say, and now at two. There is land for sixteen plows. In demesne is one, and thirty villeins and ten borders with nineteen plows. There are six acres of meadow and woods for two hogs. In the time of King Edward it was worth 100 shillings, now six pounds. It has been waste. (1 *Domesday*, 20, a.)

2. To the use of this manor the same Hugh claims three messuages and a corner of a meadow and one virgate and five acres of land against Turstin the chamberlain. Concerning this the whole hundred bears testimony that his predecessors were seised of it and holding it on the day on which King Edward was alive and dead. (1 *Domesday*, 45, a.)

## 5. Writ applying Feudal Principles to the Church

(1095. Latin text, Round's *Feudal England*, 309. Translation by Editors. 1 Stubbs, 325.)

**W**ILLIAM, King of the English, to all the French and English who occupy freeholds from the bishopric of Worcester, greeting.

Know ye that since the bishop has died, the honor has returned into my possession. Now I will that you should give me from your lands such relief as I have arranged [assessed] through my

## Tavistock

(1096. Latin text, Bigelow's *Placita*, 69.

**I**N the year of the Lord's Incarnatic  
ninty-sixth, and of the reign of Willi  
memóry, the ninth, the said king sen  
Devonshire, Cornwall and Exeter, his lc  
of Winchester, Ranulf the royal chapla  
Hardin Fitz-Belnold to examine royal p  
complaints have been made concerning  
abbey of Tavistock, called Wulurunton, all  
the said manor is wrongly held by the abbe  
on the contrary, it has always belonged  
demesne. We denying their allegations a  
that in the judgment of many of our prede  
belonged of perpetual right to the abbey  
any dispo~~se~~. In which cause, together wit  
of pleas above-mentioned, we besought th  
that, for the love of God and Saint Mary  
the aforesaid manor should belong to the  
perpetual right, without any question. Th  
been recited in the king's hearing, the ki  
our petition, and, for the sake of the s  
mother, restoring in perpetuity to the abbe  
Saint Mary at Tavistock that manor, nam  
reply in these words : \* \* \*

---

7. Chert...

1. Know that by the mercy of God, and by the common counsel of the barons of the whole kingdom of England, I have been crowned king of the same kingdom; and because the kingdom has been oppressed by unjust exactions, I, from regard to God, and from the love which I have toward you, in the first place make the holy church of God free, so that I will neither sell nor place at rent, nor, when archbishop, or bishop, or abbot is dead, will I take anything from the domain of the church, or from its men, until a successor is installed into it. And all the evil customs by which the realm of England was unjustly oppressed will I take away, which evil customs I partly set down here.

2. If any one of my barons, or earls, or others who hold from me shall have died, his heir shall not redeem his land as he did in the time of my brother, but shall relieve it by a just and legitimate relief. Similarly also the men of my barons shall relieve their lands from their lords by a just and legitimate relief.

3. And if any one of the barons or other men of mine wishes to give his daughter in marriage, or his sister or niece or relation, he must speak with me about it, but I will neither take anything from him for this permission, nor forbid him to give her in marriage, unless he should wish to join her to my enemy. And if when a baron or other man of mine is dead, a daughter remains as his heir, I will give her in marriage according to the judgment of my barons, along with her land. And if when a man is dead his wife remains, and is without children, she shall have her dowry and right of marriage, and I will not give her to a husband except according to her will.

4. And if a wife has survived with children, she shall have her dowry and marriage portion, so long as she shall have kept her body legitimately, and I will not give her in marriage, except according to her will. And the guardian of the land and children shall be either the wife or another one of the relatives as shall seem to be most just. And I require that my barons should deal similarly with the sons and daughters or wives of their men.

5. The common tax on money which used to be taken through the cities and counties, which was not taken in the time of King Edward, I now forbid altogether henceforth to be taken. If any one shall have been seised, whether a moneyer or any other, with false money, strict justice shall be done for it.

6. All fines and all debts which were owed to my brother, I remit, except my rightful rents, and except those payments which had been agreed upon for the inheritances of others or for those things which more justly affected others. And if any one for his

seem best.

8. If any of my barons or men shall he shall not give security to the extent as he did in the time of my father, or ing to the measure of the offence so have paid from the time of my father or other predecessors; so that if he shall treachery or of crime, he shall pay as is

9. All murders moreover before the crowned King, I pardon; and those who forth shall be punished justly according to Edward.

10. The forests, by the common agreement have retained in my own hand, as my father

11. To those Knights who hold their yield of my own gift the lands of their debt all payments and from all labor, so that favored by such a great alleviation, so provide themselves with horses and arms for defence of my kingdom.

12. A firm peace in my whole kingdom to be kept from henceforth.

13. The law of King Edward I give changes with which my father changed his barons.

14. If any one has taken anything from the death of King William, my brother, of any one, let the whole be immediately returned, and if any one shall have

## 8. Writ concerning Lands at Stanton

(Date uncertain. Latin text, *Chronicon Monasterii de Abingdon*, ii. 84.  
Translation by Editors.)

**H**ENRY, King of England, to Hugh of Buckland and William sheriff of Oxfordshire, greeting.

Order on my behalf the men of your counties to declare the whole truth concerning the three virgates of land which Rualcus de Avranches claims, and if they belong to the manor of Stanton which I gave to him, let him have possession ; but if not let the abbey of Abingdon have possession.

Witness : Roger the chancellor. By — Basset ; at Cambridge.

## 9. Writ concerning Lands at Caversham

(Date uncertain. Latin text, *Chronicon Monasterii de Abingdon*, ii. 85.  
Translation by Editors.)

**H**ENRY, King of England, to Walter Giffard and Agnes his mother, greeting.

I order that you render full justice to Faritius abbot of Abingdon concerning the land which Ralph of Caversham gave to Abingdon by your permission, and of which the church was seised ; and so do lest I hear from thence complaint of lack of justice.

Witness : Ranulf the chancellor, at Windsor.

## 10. First Charter of Stephen

(1135. Latin text, Stubbs, *S. C.* 119. Translation, Cheyney, 5. 1 Stubbs, 346.)

**S**TEPHEN, by the grace of God, king of the English, to the justices, sheriffs, barons, and all his ministers and faithful, French and English, greeting.

Know that I have conceded and by this my present charter confirmed to all my barons and men of England all the liberties and good laws which Henry, King of the English, my uncle, gave and conceded to them, and all the good laws and good customs which they had in the time of King Edward, I concede to them. Wherefore I wish and firmly command that they shall have and hold all those good laws and liberties from me and my heirs, they and their heirs, freely, quietly, and fully ; and I prohibit any one from bring-

ing any obstacle, or impediment, or diminution upon them in these matters on pain of forfeiture to me.

Witness William Martel, at London.

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## 11. Second Charter of Stephen

(1136. Latin text, Stubbs, *S. C.* 120. Translation, *Statutes of the Realm* as in G. and H. 66. 1 Stubbs, 347.)

I STEPHEN, by the grace of God and the assent of the clergy and people elected king of the English, and consecrated by William, archbishop of Canterbury and legate of the Holy Roman Church, and confirmed by Innocent, pontiff of the Holy Roman See, from regard and love to God, do grant holy Church to be free and confirm due reverence to her. I promise that I will not do nor allow any simony in the Church or in church affairs. I permit and confirm justice and power over ecclesiastical persons and all clerks and their effects, and the distribution of ecclesiastical goods to be in the hands of the bishops. The dignities of churches confirmed by their privileges, and their customs had of ancient continuance, I ordain and grant to remain inviolate. All the possessions and holdings of churches which they had on that day when William the king, my grandfather, was alive and dead, I grant to them to be free and absolute without any appeal from claimants. But if the Church shall hereafter seek to regain any of the things held or possessed before the death of the same king which the Church has no longer, I reserve them for my indulgence and dispensation for restoration and for consideration. But I confirm whatever has been bestowed upon them since the death of this same king, by the liberality of kings or the gift of great men, by presentation or acquisition, or by any exchange of the faithful. I promise that I will perform peace and justice in all things, and will maintain these for them as far as I can. I reserve for myself the forests which William my grandfather, and William my uncle established and had. All the others which King Henry further added I give back and grant to the churches and the kingdom without molestation. If any bishop or abbot or other ecclesiastical person shall, before his death, reasonably devise or intend to devise his goods, I grant it to remain firm. But if he shall be overtaken by death let the same devise take place with the advice of the Church for the health of his soul. Moreover, whilst sees shall be without their proper pastors, these and all their posses-

sions I will commit to the hand and custody of the clerks or good men of the same church, until a pastor be canonically appointed to succeed. I entirely abolish all exactions, and injuries, and miskennings wrongly introduced, whether by sheriffs or by any other. I will observe, and command and ordain to be observed, the good laws and ancient and just customs in murders and pleas and other causes. All these things I grant and confirm saving my royal and just dignity. Witness: W. Archbishop of Canterbury, Hugh Archbishop of Rouen, and Henry Bishop of Winchester, and Roger Bishop of Salisbury, and A. Bishop of Lincoln, and Nigel Bishop of Ely, and Everard Bishop of Norwich, and Simon Bishop of Worcester, and Bernard Bishop of Saint David's, and Owen Bishop of Evreux, Richard Bishop of Avranches, Robert Bishop of Hereford, John Bishop of Rochester, Athelwulf Bishop of Carlisle, and other lay signatories. At Oxford, in the year 1136 from the Lord's Incarnation, and the first of my reign.

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## 12. A Trial in the Curia Regis. Case of Abbot Walter *vs.* Gilbert de Baillol

(c. 1154. Latin text, Bigelow's *Placita*, 175. Translation by Editors.)

[“**T**HE king grants his writ at the instance of Walter, abbot of Saint Martin, to John, earl of Eu, commanding him to do justice by the abbot against Gilbert de Baillol as to certain lands. The defendant evades the trial in various ways. Leave is finally obtained to bring the suit into the King's Court, but the king's presence cannot be obtained. The cause, though much litigated before the justiciars, comes to no satisfactory conclusion. The king's presence is at last obtained, and the trial proceeds.” — BIGELOW.]

\* \* \* Now therefore, since there was no longer opportunity for excuse, both parties appeared before the lord king, sitting in the seat of judgment. There stood forth in the midst one of the abbot's monks named Osmund, and a knight, Peter de Chriel, who, beginning at the beginning of the whole court proceedings, set forth in order before the king and his assessors, how the said land of Barnhorn had been partly given to the church of Saint Martin of Battle, and partly purchased, how afterwards it was taken away, and also how far progress had been made in the case, at the present so long since the beginning of the suit; adding also their complaint over the great and expensive delay of the affair,



...his predecessors, but h  
e that no seals were affixed to them in attest  
m, that splendid and wise man Richard de La  
e said abbot, then the Justiciar of the lord king  
had a seal. Upon his reply that he had a s  
an smiled and said, "The old fashion was n  
ight to have a seal, but it was customary for on  
e of consequence to have them, and in the o  
t make men pettifoggers or sceptics." And w  
rt strove to cast doubt upon the confirmation  
e elder, alleging that the abbot and monks were  
e lord king not as a matter of justice but of favo  
king the charter and seal of his grandfather King  
yn hands and turning to the said Gilbert, said, '  
od, if you can prove this charter false, it will b  
nd pounds to me in England." As he made lit  
these words, the king made this noteworthy rem  
, "the monks by means of a similar charter an  
re able to show that they had a right of this sort  
ace, to wit, Clarendon, which I chiefly love, thei  
st reply for me to make to save me from entirely  
them." The king, therefore, turning to the abbo  
d, "Go out, and having taken counsel, confer to  
rchance there is anything upon which you wish to  
an upon this charter. Still I do not think you w  
t any other proof." So the abbot and his party,  
ke council concerning this, and recognizing tha  
fficed for all proof, from the last words of the ki  
d, "I do not think you will seek at present an  
ey returned into the presence of

charter was false because this could not be proved ; by the unanimous consent of the whole court, judgment was given that, to the abbot and church of Saint Martin of Battle restitution should be made of everything which he demanded on the testimony of the charter. \* \* \*

### 13. Constitutions of Clarendon

(1164. Latin text, Stubbs, *S. C.* 137. Translation, G. and H. 68. 1 Stubbs, 501.)

**I**N the year 1164 from our Lord's Incarnation, the fourth of the pontificate of Alexander, the tenth of Henry II., most illustrious king of the English, in the presence of the same king, was made this remembrance or acknowledgment of a certain part of the customs, liberties, and dignities of his ancestors, that is of King Henry his grandfather, and of others, which ought to be observed and held in the realm. And owing to strifes and dissensions which had taken place between the clergy and justices of the lord the king and the barons of the realm, in respect of customs and dignities of the realm, this recognition was made before the archbishops and bishops and clergy, and the earls and barons and nobles of the realm. And these same customs recognized by the archbishops and bishops, and earls and barons, and by those of high rank and age in the realm, Thomas archbishop of Canterbury, and Roger archbishop of York, and Gilbert bishop of London, and Henry bishop of Winchester, and Nigel bishop of Ely, and William bishop of Norwich, and Robert bishop of Lincoln, and Hilary bishop of Chichester, and Jocelyn bishop of Salisbury, and Richard bishop of Chester, and Bartholomew bishop of Exeter, and Robert bishop of Hereford, and David bishop of Saint David's, and Roger elect of Worcester, conceded, and by word of mouth steadfastly promised on the word of truth, to the lord the king and his heirs, should be kept and observed in good faith and without evil intent, these being present : Robert earl of Leicester, Reginald earl of Cornwall, Conan earl of Brittany, John earl of Eu, Roger earl of Clare, earl Geoffrey de Mandeville, Hugh earl of Chester, William earl of Arundel, earl Patrick, William earl of Ferrers, Richard de Luci, Reginald de St. Valery, Roger Bigod, Reginald de Warne, Richer de Aquila, William de Braose, Richard de Camville, Nigel de Mowbray, Simon de Beauchamp, Humphry de Bohun, Matthew de Hereford, Walter de Mayenne, Manser Biset the steward, William Malet, William de Courcy, Robert de Dunstanville, Jocelyn de Baillol, William de Lanvallei, William de Caisnet, Geoffrey de Vere, William de Hastings, Hugh de Moreville, Alar

...ing avowson and present:  
to be treated or concluded in the court of the  
Churches belonging to the fee of the lord  
granted in perpetuity without his own assent a  
Clerks cited and accused of any matter shall,  
the king's justice, come into his own court to a  
ing what it shall seem to the king's court sho  
e, and in the church court for what it shall  
vered there ; yet so that the king's justice sha  
rt of holy Church to see in what way the matter  
if the clerk be convicted, or shall confess, th  
any longer protect him.

Archbishops, bishops, and persons of the rea  
ed to leave the kingdom without licence of the  
if they do leave, they shall, if the king so pleas  
neither in going nor in staying, nor in returning,  
ill or damage of the lord the king or realm.

Excommunicate persons are not to give pledge  
to take oath, but only to give security and pled  
he church's judgment that they may be absolved

Laymen are not to be accused save by proper  
ers and witnesses in the presence of the bishop  
deacon do not lose his right nor anything due t  
if the accused be such that no one wills or da  
n, the sheriff, when requested by the bishop, shal  
ful men from the neighborhood or the town to sw  
op that they will show the truth in the matter  
r conscience.

No one who holds of the king in chief, and no  
ne officers are to be excomm

8. In regard to appeals, if they shall occur, they must proceed from the archdeacon to the bishop, and from the bishop to the archbishop. And if the archbishop fail in showing justice, they must come at last to the lord the king, that by his command the dispute be concluded in the archbishop's court, so that it must not go further without the assent of the lord the king.

9. If a dispute shall arise between a clerk and a layman, or between a layman and a clerk, in respect of any tenement which the clerk wishes to bring to frank-almoign, but the layman to a lay fee, it shall be concluded by the consideration of the king's chief justice on the award of twelve lawful men, whether the tenement belong to frank-almoign or to lay fee, before the king's justiciar himself. And if the award be that it belongs to frank-almoign it shall be pleaded in the church court, but if to the lay fee, unless both claim under the same bishop or baron, it shall be pleaded in the king's court. But if both appeal concerning this fee to the same bishop or baron, it shall be pleaded in his own court, so that for making the award he who was first seised, lose not his seisin until the matter be settled by the plea.

10. If any one of a city, or castle, or borough, or a demesne <sup>private</sup> manor of the lord the king, be cited by archdeacon or bishop for any offence for which he ought to answer them, and refuse to give satisfaction at their citations, it is well lawful to place him under interdict; but he must not be excommunicated before the chief officer of the lord the king of that town be applied to, in order that he may adjudge him to come for satisfaction. And if the king's officer fail in this, he shall be at the king's mercy, and thereafter the bishop shall be able to restrain the accused by ecclesiastical justice.

11. Archbishops, bishops, and all <sup>substantial</sup> persons of the realm who hold of the king in chief, have their possessions from the lord the king as barony, and are answerable therefor to the king's justices and ministers, and follow and do all royal rights and customs, and like all other barons, have to be present at the trials of the court of the lord the king with the barons until it comes to a judgment of loss of limb, or death.

12. When an archbishopric or bishopric is vacant, or any abbey or priory of the king's demesne, it must be in his own hand, and from it he shall receive all revenues and rents as demesne. And when they come to provide for the church, the lord the king must cite the chief persons of the church, and the election must take place in the chapel of the lord the king himself, with the assent of the lord the king, and the advice of the persons of the realm

performance any one should deforce ti  
bishops and bishops and archdeacons mu  
gives satisfaction to the lord the king.  
The goods of those who are under forfeit  
or cemetery is to detain against the king's  
belong to the king himself, whether they b  
es or outside.  
Pleas of debt due under pledge of faith or  
are to be in the king's justice.  
Sons of villeins ought not to be ordaine  
of the lord on whose land they are known

the record of the aforesaid royal customs and  
by the said archbishops and bishops, and earl  
nobles and elders of the realm, at Clarendon,  
fore the purification of the Blessed Mary, ev  
Henry the king's son, with his father the lord th  
there. There are moreover many other great  
es of holy Mother Church and the lord the  
of the realm, which are not contained in  
t them be safe for holy Church and the lord the  
nd the barons of the realm, and be inviolably c

assembly  
2) have  
(2) Court  
14. Assize of Clarendon

Latin text, Stubbs, S. C. 143. Translation, Cl  
1 Stubbs, 505, 662.)

F. begins at . . .

of the most legal men of the hundred and by four of the most legal men of each vill, upon their oath that they will tell the truth, whether there is in their hundred or in their vill, any man who has been accused or publicly suspected of himself being a robber, or murderer, or thief, or of being a receiver of robbers, or murderers, or thieves, since the lord king has been king. And let the justices make this inquiry before themselves, and the sheriffs before themselves.

2. And let any one who has been found by the oath of the aforesaid, to have been accused or publicly suspected of having been a robber, or murderer, or thief, or a receiver of them, since the lord king has been king, be arrested and go to the ordeal of water and let him swear that he has not been a robber, or murderer, or thief, or receiver of them since the lord king has been king, to the value of five shillings, so far as he knows.

3. And if the lord of the man who has been arrested or his steward or his men shall have claimed him, with a pledge, within the third day after he has been seised, ~~let him~~ be given up and his chattels until he himself makes his law.

4. And when a robber, or murderer, or thief, or receiver of them shall have been seised through the above-mentioned oath, if the justices are not to come very soon into that county where they have been arrested, let the sheriffs send word to the nearest justice by some intelligent man that they have arrested such men, and the justices will send back word to the sheriffs where they wish that these should be brought before them; and the sheriffs shall bring them before the justices; and along with these they shall bring from the hundred and the vill where they have been arrested, two legal men to carry the record of the county and of the hundred as to why they were seised, and there before the justice let them make their law.

5. And in the case of those who have been arrested through the aforesaid oath of this assize, no one shall have court, or judgment, or chattels, except the lord king in his court before his justices, and the lord king shall have all their chattels. In the case of those, however, who have been arrested, otherwise than through this oath, let it be as it has been accustomed and ought to be.

6. And the sheriffs who have arrested them shall bring such before the justice without any other summons than they have from him. And when robbers, or murderers, or thieves, or receivers of them, who have been arrested through the oath or otherwise, are handed over to the sheriffs they also must receive them immediately without delay.

county courts to make this oath, so that no  
hind because of any franchise which he has or  
n which he had, but that they should come to  
s oath.

9. And there is to be no one within a cas  
tle, or even in the honor of Wallingford, who  
riffs to enter into his court or his land for seein  
dges and that all are under pledges ; and le  
ore the sheriffs under a free pledge.

10. And in cities and boroughs, let no one  
eive them in his house or in his land or his soc  
take in hand that he will produce before the  
ll be required, or else let them be under a frank

11. And let there be none in a city or borough  
without or even in the honor of Wallingford w  
sheriffs to enter into his land or his jurisdiction  
o have been charged or publicly suspected of b  
rderers or thieves or receivers of them, or outla  
rged concerning the forest ; but he requires th  
them to capture these.

12. And if any one is captured who has in his  
ts of robbery or theft, if he is of bad reputation ;  
imony from the public, and has not a warrant, le

13. And if he shall not have been publicly suspect  
he possession which he has let him go to the wa

14. And if any one shall have acknowledged ro  
or theft or the reception of them in the presenc  
of the hundreds, and afterwards shall wish to de  
have law.

afterward they shall go over the sea, and they shall not afterward return into England, except on the permission of the lord king ; and then let them be outlawed if they return, and if they return they shall be seised as outlaws.

15. And the lord king forbids any vagabond, that is a wandering or an unknown man, to be sheltered anywhere except in a borough, and even there he shall be sheltered only one night, unless he shall be sick there, or his horse, so that he is able to show an evident excuse.

16. And if he shall have been there more than one night, let him be arrested and held until his lord shall come to give securities for him, or until he himself shall have secured pledges ; and let him likewise be arrested who has sheltered him.

17. And if any sheriff shall have sent word to any other sheriff that men have fled from his county into another county, on account of robbery or murder or theft, or the reception of them, or for outlawry or for a charge concerning the forest of the king, let him arrest them. And even if he knows of himself or through others that such men have fled into his county, let him arrest them and hold them until he shall have secured pledges from them.

18. And let all sheriffs cause a list to be made of all fugitives who have fled from their counties ; and let them do this in the presence of their county courts, and they will carry the written names of these before the justices when they come first before these, so that they may be sought through all England, and their chattels may be seised for the use of the king.

19. And the lord king wills that, from the time when the sheriffs have received the summons of the justices in eyre to appear before them with their county courts, they shall gather together their county courts and make inquiry for all who have recently come into their counties since this assize ; and that they should send them away with pledges that they will be before the justices, or else keep them in custody until the justices come to them, and then they shall have them before the justices.

20. The lord king moreover prohibits monks and canons and all religious houses from receiving any one of the lesser people as a monk or canon or brother, until it is known of what reputation he is, unless he shall be sick unto death.

21. The lord king moreover forbids any one in all England to receive in his land or his jurisdiction or in a house under him any one of the sect of those renegades who have been excommunicated and branded at Oxford. And if any one shall have received them, he will be at the mercy of the lord king, and the



## 15. Inquest of the Sheriff

Latin text, Stubbs, *S. C.* 148. Translation by Editor

In the first place, the barons shall require bond of all the sheriffs who have been sheriffs since the conquest over to Normandy, and from all who since that time bailiffs or ministers of theirs who have held a fee, and from all those who since that time have held lands of the barons which they have in the county, to hold them at a ferm or in custody; that on a day which shall be set for them they will appear before the barons in justice and to redress to him and to his men who shall require redress. And if because of sickness the sheriffs shall not appear before them, let them send in their place bailiffs for them, and let these give bond and surety for the sheriffs and for themselves, that they will perform the justice of the lord king that which the sheriffs ought to do on a fixed day.

Afterwards they shall take an oath from all the knights and freemen of the county, that they will speak the truth concerning that which shall be inquired of them on the day of the inquest, and that they will not conceal the truth for love or for hatred, or for bribe or reward, or for fear of any reason.

This shall be the manner of the inquest : —

In the first place let inquisition be made by the barons

itself, and what without a judgment let it be written by itself; and concerning all exactions inquisition shall be made of the cause and the evidence.

II. Likewise let inquisition be made concerning the archbishops, bishops, earls and barons, and their stewards and officers, what and how much they have received from their lands, since the said term, from each of their hundreds, and from each of their vills, and from each of their men, by a judgment or without a judgment, and let them write down separately all these exactions and their causes and occasions.

III. And likewise let inquisition be made concerning those men who since that term have held in custody other bailiwicks from the lord king, whether of a bishopric, or of an abbey, or of a barony, or of any honor or escheat.

IV. And likewise let inquisition be made concerning the king's bailiffs who have travelled through his land to do the king's business, which has been assigned to them; and what they learn from this, let them write down.

V. Also concerning the chattels of those who fled because of the Assize of Clarendon and concerning the chattels of those who have been undone through that assize, let inquisition be made of what has been done and of what was obtained thence in each hundred and each vill, and let it be diligently and carefully written down. And likewise let inquisition be made whether any one has been unjustly accused under that assize for reward or promise or hatred or other unjust cause; and whether any accusation has been withdrawn or any accused person released for reward or promise or love and who received the reward for it, and likewise let this be written down.

VI. And let inquisition be made concerning the aids for marrying the king's daughter, what was obtained thence in each hundred and each vill, whether in payments or in remissions, and to whom this has been handed over and paid.

VII. And let inquisition be made of what and how much the foresters and their bailiffs and officers have received, since the said term, in their offices in whatever way they received it or under whatever circumstance, and whether they have remitted any of the rights of the king for reward or promise or for any friendship. And concerning forest offences; concerning those who have injured his forests and stags and hinds and other wild beasts; and what they learn, let them write down diligently; and whether the foresters or their bailiffs have arrested any one or attached any one by bond and surety or have accused any, and

king and to his men what they ought to  
without sureties be held in custody.  
And inquisition shall be made whether th  
s have returned any of the things which the  
ner they have made any peace with men si  
e arrival of the lord king, to prevent any c  
e reaching the lord king.

And let inquisition be made concerning  
ner any one has been released, for reward  
he had at first been amerced, and by whom

And let inquisition be made concerning tl  
ge to the lord king and have done it neither  
on, and let them be written down.

I. Concerning the demesnes of the lord king,  
ade whether the houses are enclosed with ditc  
whether there are granaries there, and cow-shed  
and other buildings and stock, as the lord  
e he went abroad.

II. And after they have been examined, my  
rs shall employ themselves about my other aff:  
swear to attend lawfully to making the inques  
ands of the barons.



## 16. Assize of Northampton

Latin text, Stubbs. *S. C.* 150. T.

men from each vill of the hundred, he shall go to the ordeal of water, and if he is undone he shall lose one foot. And at Northampton it was added for rigorous justice that he shall likewise lose his right hand with his foot, and he shall abjure the realm and within forty days he shall leave the kingdom. And if he shall have been to the water whole he shall furnish sureties and remain in the kingdom, unless he has been accused of murder or other infamous felony by the community of the county and of the lawful knights of the country, of which if he has been accused in the said manner, although he has been to the water safely, nevertheless within forty days he shall depart from the realm, and take with him his chattels saving the rights of his lords, and at the mercy of the lord king he shall abjure the realm. Moreover this assize shall be in force from the time the assize was made at Clarendon continuously to this time and from now on as long as it shall please the lord king, in cases of murder and treason and arson and in all of the aforesaid cases except in petty thefts and robberies which have been committed in time of war, such as of horses, oxen and smaller things.

2. Item let no one either in borough or vill entertain in his house for more than one night any stranger for whom he refuses to be responsible, unless the hospitality has a reasonable excuse, which the master of the house shall declare to his neighbors. And when he leaves, let him depart in the presence of the neighbors and by day.

3. If any one has about him the fruits of murder or theft or robbery or forgery and confesses it or any other felony which he has committed, before the reeve of the hundred or borough and before lawful men, he cannot afterwards deny that crime before the justices. And likewise, if without such fruits in his possession, he shall confess anything of the sort before them, in like manner he cannot deny this before the justices.

4. Item if any freeholder dies let his heirs remain in such seisin as their father had of his fee on the day of his death, and let them have his chattels out of which they shall execute the will of the deceased: and afterwards they shall seek out their lord and pay him a relief and the other things which they ought to pay him from their fee. And if the heir is under age the lord of the fee shall receive his homage and may keep him in custody as long as is his right. The other lords if there are several shall receive his homage and he shall render to them what is right. And let the wife of the deceased have her dowry and the portion of his chattels which falls to her. And if the lord of the fee shall refuse the

...cause a recogni  
sessions contrary to the Assize, since the  
England next after the peace made betwee  
son.

Item the justices shall receive oaths of feal  
m the first Sunday after Easter to the fir  
st from all, to wit, earls, barons, knights a  
o villeins, who wish to remain in the real  
fuses to take the oath of fealty, shall be  
of the lord king. The justices are also to g  
e who have not yet paid homage and alle  
g that, at a time which shall be named for th  
nd pay homage and allegiance to the king as  
tem the justices shall determine all pleas a  
to the lord king and to his crown, by writ of  
ose who shall be in his place, in the matte  
fee and under, unless the dispute is so grea  
ettled without the lord king, or such as the  
him or to those who shall be in his place or  
certainty. They shall take care according to  
or the advantage of the lord king. They sh  
n the case of wicked robbers and evil-doers  
counties through which they are about to go,  
e advice of the king his son and of his men.  
tem the justices shall see to it that those castle  
ed are completely destroyed and that those  
estroyed are leveled to the ground. And unle  
the lord king will have the judgment of his  
upon those who hold in contempt his com  
tem the justices shall make

11. Item the justices shall make inquisition concerning the custody of castles both by whom and how much and where service ought to be made and let them report to the lord king.

12. Item a thief when he is arrested shall be handed over to the custody of the sheriff. And if the sheriff should be absent, he shall be taken to the nearest warden of a castle and he shall guard him till he delivers him to the sheriff.

13. Item the justices shall cause search to be made according to the custom of the land for those who have fled from the kingdom; and unless they are willing to return within the set time and stand trial in the court of the lord king, then let them be outlawed; and let the names of the outlaws be reported at Easter and at Michaelmas to the exchequer and from thence they shall be sent to the lord king.

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## 17. Assize of Arms

(1181. Latin text, Stubbs, *S. C.* 154. Translation by Editors. 1 Stubbs, 632.)

**A**SSIZE concerning the bearing of arms in England.

1. Let whoever holds a knight's fee have a coat of mail and a helmet, a shield and a lance; and let every knight have as many coats of mail, and helmets, and shields, and lances as he has knight's fees in his demesne [that is, not subinfeudated, or held by knights under him].

2. Also, let every free layman who is worth sixteen marks in chattels or in revenue have a coat of mail and a helmet and a shield and a lance; also, let every free layman who is worth ten marks in chattels or revenue have a hauberk and a head-piece of iron and a lance.

3. Item let all burghers and the whole body of freemen have a doublet of mail and a head-piece of iron and a lance.

4. Moreover let each one of them swear that before the feast of Saint Hilary he will have these arms and that he will bear faith to the lord king Henry, namely the son of the empress Matilda, and that he will bear these arms in his service according to his order and for the protection of the lord king and of his realm. And let no one who has these arms sell them or pledge them or give them away, or in any other manner alienate them, neither let a lord in any manner take them away from his man, either by forfeiture, or by gift or as a pledge, or in any other manner.

...to such a man as will keep them in t  
king of England. And let none of them  
an he is required to have according to this ass  
em let no Jew keep a coat of mail or a ha  
on, but let him sell it or give it away or other  
that it shall remain in the service of the king.  
em let no one carry arms out of England ex  
f the lord king; neither let any one sell arms  
l carry them out of England.  
em let the justices cause oaths to be taken  
or other free and lawful men of the hundred  
y as they shall see fit, who shall have the value  
makes it necessary for him to have a coat of  
and a lance and a shield according as has been  
t one by one they will name to them all from  
and neighborhoods and boroughs who have sixt  
n chattels or in revenue, and likewise those who  
And afterwards let the justices cause all those  
to be registered; who have such an amount of ch  
es and what arms each ought to have according to  
tels or revenues, and afterwards in their presen  
of all those persons, let them cause that this a  
the having of arms be read and that they swear  
e these arms according to the aforesaid value of  
e, and that they will hold them at the service of the  
ng to this said assize at the command and for the  
ord king Henry and of his realm. If indeed it shou  
y of those who ought to have these arms are n  
at the time when the justices shall be in  
shall be for

his life and property. And let it be commanded him that before the feast of the said Saint Hilary, he shall have arms according as it is required of him.

10. Item let the justices cause to be proclaimed throughout all the counties through which they shall go, that whoever has not these arms according as is aforesaid, the lord king shall have recourse to their persons and not at all to their land or chattels.

11. Item let no one swear concerning lawful and free men, who has not sixteen marks or ten marks in chattels.

12. Item let the justices order throughout all the counties that no one, as he values his life and property, shall buy or sell any ship to be taken away from England, and that no one shall export or cause to be exported from England, timber. And the king commands that no one shall be received for the oath of arms except a freeman.

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## 18. Assize of the Forest or of Woodstock

(1184. Latin text, Stubbs, *S. C.* 157. Translation by Editors. 1 Stubbs, 527.)

**H**ERE begins the assize of the Forest of the lord Henry the king.

This is the assize of lord Henry the king, the son of Matilda, in England, concerning the forest and his venison, by the advice and assent of the archbishops, bishops and barons, earls and nobles of England, at Woodstock.

1. First he forbids that any one shall offend in regard to his venison or his forests in any respect: and he wills that no trust shall be put in the fact that hitherto he has had mercy because of their chattels upon those who had offended in regard to his venison and his forests. For if any one hereafter shall offend and be convicted thereof, he wills that full justice be exacted as was done in the time of king Henry his grandfather.

2. Item he forbids that any one shall have bows or arrows, or hounds, or harriers in his forests unless he shall have as his warrantor the king or some one else who has the power to act as warrantor.

3. Item he forbids that any one shall give or sell anything to the wasting or destruction of his woods which are within the forest of king Henry: he grants fully that they may take from their woods what shall be necessary for them (*i.e.* firewood), without wasting, and this at the view of the royal forester.



...of the lord king, and  
venison, and to have some guardian for the l

Item the lord king orders that his foresters s  
ning the forests of knights and others who  
the bounds of the royal forest, that the w  
yed ; for if in spite of this they shall have be  
se whose woods have been destroyed know wel  
e exacted from their persons or their lands a  
er.

Item the lord king orders that all his forester  
according to their ability they will hold the assize  
he made it ; and that they will not annoy knig  
y men concerning anything which the lord king  
m in regard to their woods.

Item the king orders that in every county in w  
n, twelve knights shall be appointed for guardi  
enison with the forest ; and that four knights sh  
d to agist his woods and to receive and keep  
and the king forbids that any one shall agist  
the bounds of the forest before the king's own v  
agisted, and the lord king's period for agisting  
begin fifteen days before Michaelmas and shall  
fter Michaelmas.

And the king orders that if his forester shall hav  
of the lord king in his custody, and those woods  
destroyed, and he can neither give nor allege a g  
e destruction of the woods, the person of the fore  
ot something else shall be seized.

Item the king forbids that

inspected [every third year], and his purprestures and wastes of the forest and that each be recorded by itself.

11. Item the king orders that the [archbishops, bishops] earls and barons and knights and freeholders and all men shall come at the summons of his master forester if they wish to avoid being at the mercy of the lord king, to try the forest pleas of the lord king and to transact his other business in county court.

12. At Woodstock the king orders that from whoever has offended in regard to his forests for the first time, good sureties shall be taken ; and if he shall offend a second time, likewise ; but if he shall offend a third time, for the third offence no other sureties shall be taken from him, nor anything else except the very person of the offender.

[13. Item he orders that every man of twelve years of age, remaining within the hunting reserve, and clerks holding a lay fief shall take oath to keep his peace.

14. Item he orders that the lawing of mastiffs shall be performed wherever his wild animals have peace or are accustomed to have it.

15. Item he orders that no tanner or bleacher of hides shall dwell in his forests outside of a borough.

16. Item the king orders that no one for the future shall chase in any manner to capture wild animals by night within or without the forest, wherever his wild animals frequent or are accustomed to have peace, under penalty of imprisonment for one year and of paying a fine or ransom at the king's pleasure, and that no one, under the same penalty, shall make any obstruction living or dead against his wild animals in his forests and woods or in other places disafforested by himself or his predecessors.]

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## 19. Ordinance of the Saladin Tithe

(1188. Latin text, Stubbs, S. C. 160. Translation by Editors. 1 Stubbs, 627.)

1. THIS year each one shall give in alms a tenth of his revenues and movables, with the exception of the arms and horses and clothing of the knights, and likewise with the exception of the horses and books and clothing and vestments and articles required in divine service of whatever sort of the clerks, and of the precious stones of both clerks and laymen.

2. Moreover this money shall be collected in each parish in

... in every parish upon any  
rightfully give the aforesaid tenth in the pres  
of those who ought to be present, as has bee  
one, to their knowledge shall have given less  
or six lawful men shall be chosen from the pa  
shall declare what amount he ought to have  
this sum shall be added to the smaller amount

3. But clerks and knights who shall have ta  
not pay this tithe except for their own prop  
and whatever their vassals ought to pay shall b  
use by the aforesaid and the whole shall be pai

4. Moreover the bishops by their letters in  
dioceses shall cause proclamation to be made  
Nativity and of Saint Stephen and of Saint J  
shall get together at his home the prescribed  
Purification of the Blessed Virgin, and on the  
thereafter in the presence of the aforesaid at ti  
he has been summoned each man shall make pa



## 20. Writ Præcipe

(Latin text, Glanville, *Tractatus de legibus et consuetud*  
I. c. 6. Translation by Editors. Digby, *Real Property*

THE king to the sheriff, greeting.  
Command A. that, lawfully and without  
to B. one hide of land in such

## 21. Form of Proceeding on the Judicial Visitation

(1194. Latin text, Stubbs, *S. C.* 259. Translation, Riley, *The Annals of Roger de Hoveden*, ii. 334, with slight changes. 1 Stubbs, 543.)

### *Form of Proceeding in the Pleas of the Crown*

**I**N the first place, four knights are to be chosen from out of the whole county, who, upon their oaths; are to chose two lawful knights of every hundred and wapentake, and these two are to chose upon their oath ten knights of every hundred or wapentake, or, if there shall not be knights sufficient, free and lawful men, in order that these twelve may together make inquisition on each of the following heads in every hundred or wapentake.

### *Heads of the Pleas of the Crown*

1. Of the pleas of the crown, both new and old, and all those which have not yet been concluded before the justiciaries of our lord the king.

2. Item of all recognizances and all pleas which have been summoned before the justiciaries, by writ of the king or of the chief justice, or which have been sent before them from the supreme court of the king.

3. Item of escheats, what these are now, and what these have been, since the king set out on his expedition to the land of Jerusalem; and what were at that time in the king's hands, and whether they are now in his hands or not; and of all escheats of our lord king, if they have been taken out of his hands, how, and by whom, and into whose hands they have come, and of what kind, and if any person has had any profits from the same, and what, and what was the value thereof, and what is the present value; and if there is any escheat, which belongs to our lord the king, which is not at present in his hands.

4. Item of churches which are in the gift of our lord the king.

5. Item of wardships of children, which belong to our lord the king.

6. Item of marriages of maidens, or of widows, which belong to our lord the king.

7. Item of malefactors, and their harborers and abettors.

8. Item of forgers.

9. Item of murderers of the Jews, who they are, and of the pledges of Jews so slain, their chattels, lands, debts, and writings

.. the jews, who have not made a  
lord the king, or with his justiciaries  
not to be liberated except by our lor

10. Item of all aids given for the  
how much each person promised, and  
how much is still due from him.

11. Item of the adherents of earl  
have made a composition with our lord  
not.

12. Item of the chattels of earl Jo  
have not been converted to the use of  
much the sheriffs and their bailiffs ha  
given any thing contrary to the ancient

13. Item of all the lands of earl Jo  
wards, and escheats, and his gifts, and  
were given, and all the gifts of earl Johr  
lord the king, except those which have  
king.

14. Item of the debts and fines which  
for what causes ; and all the same are to  
of our lord the king.

15. Item of usurers, and of the cha  
are dead.

16. Item of wines sold contrary to the  
ures for wine as also for other things.

17. Item of such crusaders as have c  
the land of Jerusalem ; and who possess  
they are, and how many.

18. Item of grand assize

## Form of Proceeding on the Judicial Visitation 31

23. Also, the said justices, together with the bailiffs of William of the Church of Saint Mary, Geoffrey Fitz-Peter, William de Chimelli, William Bruere, Hugh Bardolph, and of the sheriff of each place, are to cause the knights mentioned on the roll to be summoned in their respective counties, to appear at a time and place which they shall signify to them, and to make them swear in their presence that they will use all their lawful endeavors to restore the lands and escheats belonging to our lord the king, and to value the same to the advantage of our lord the king, and not through hatred, favor or regard for any person, to omit so to do. And the said knights before named shall, upon their oath, make choice of twelve lawful knights, or free and lawful men, if knights shall not be found for the purpose, in the different parts of each county on the circuit of the said justices itinerant, as shall seem expedient; who shall, in like manner, make oath that they will use all their lawful endeavors to restore, and to value and establish the rights of wardship and escheat in those parts, and will give their counsel and assistance to advantage the king therein, as before mentioned. The said jurors shall also, upon oath, choose from free men as many and such as they shall think necessary for the performance of the aforesaid business of our lord the king as to escheats and wardships, in such manner as may be best done for the advantage of our lord the king. It is also to be known, that the said wardships and escheats shall be made good out of the revenues arising therefrom up to the feast of Michaelmas, as also from the revenues at that time due; and, if they shall not suffice, then the deficiency shall be supplied by a toll of our lord the king: it being understood that those who hold the said wardships and escheats to farm shall, at the feast of Saint Michael, answer for the same, and thenceforward for the improvements as well. And as for those who shall hold the said wardships and escheats to farm, our lord the king shall give them warranty for the same from year to year until the termination thereof; so that, although our lord the king should give any of them to any person, the farmer shall still hold his farm till the end of the year, by paying to him to whom our lord the king shall have so given it, the rent which shall be due to the king for the same until the end of the year. The rights of justice of the escheat, however, which he shall have so given shall remain with our lord the king, unless our lord the king shall have given them by name. The farmer, when he shall have given up his farm, is to have all his stock which he shall have placed upon the farm, and all his property over and above the property of the king there, freely and without diminution. They

...manors, and  
where are, and how much they are each wo  
at a fixed value of twenty shillings only, b  
is good or bad, whether the value is likely  
Those persons who shall take these farms  
as already said, according to the above na  
enues of the escheats and wardships. En  
with how many oxen and plough horses e  
be stocked ; and how many and what amou  
is able to support and the result thereof is  
distinctly reduced to writing. The price s  
four shillings, and upon a cow the same, up  
same, upon a sheep with fine wool ten per  
coarse wool six pence, upon a sow twelve p  
twelve pence ; and when the farmers give  
shall be answerable in the aforesaid sums,  
for the same, at the option of the farmers ; a  
said stock shall be placed thereon and duly  
be enrolled openly and distinctly, and the re  
deposited in the exchequer. From this assi  
bishoprics and abbeys, and lands of barons v

Also let enquiry be made, by the oath of  
as to all wardships and escheats which are  
our lord the king, and they are to be taken  
lord the king, and dealt with as other lands :

#### 24. Heads concerning the Jews.

All debts and pledges of Jews are to be  
lands, houses, rents, and possessions. Any  
concealment of any one of these things, sha  
the king his body, as also the

## Form of Proceeding on the Judicial Visitation 33

in the hands of the Jew, sealed with his seal to whom the money is paid, while the other part is to remain in the common chest; on which there are to be three locks; whereof the two Christians are to keep one key, the two Jews another, and the clerks of William of the Church of Saint Mary and of Master William de Chimelli, the third; as also three seals, those who have the keys setting thereon their seals. The clerks also of the two Williams aforesaid are to have a register containing copies of all the deeds, and as the deeds are altered so shall the register be altered. For each deed shall be paid three pence; a moiety thereof by the Jew and a moiety by him to whom the money is lent; of which the two scribes are to have two pence, and the keeper of the register the third: and, for the future, no loan shall be made, no payment made to Jews, no alteration of the deeds, except in presence of the persons aforenamed, or the major part of them, if all shall be unable to be present. The said two Christians also are to have a register of receipts for payments made henceforth to Jews, and the two Jews are to have one, and the keeper of the register one. Also, every Jew shall make oath on his roll [of the Law] that he will cause all his debts, pledges, rents, and all his property and possessions to be enrolled, and that, as above stated, he will not conceal anything; and that, if he shall be able to learn that any one has concealed anything, he will secretly disclose the same to the judges sent to them, and that forgers of deeds and clippers of money, when he shall know of such persons, he will give information against, and detect the same, and the like with regard to the deeds so forged.

25. Also, the inquisition which was to be made relative to the exactions and seizures made by all bailiffs of the king, as well by the justices as by the sheriffs, constables, and foresters and their servants, since the time of the first coronation of our lord king Richard, and why such seizures were made, and by whom; and relative to all the chattels, gifts, and promises made on the occasion of seizure of the lands of earl John and his supporters; and who received the same, and what, and how much, was deferred by command of Hubert, archbishop of Canterbury, the king's chief justice.



On the eve of our Lord's ascension, he went down there. On his arrival therefore, the archbishops, barons, and all others, whose duty it was at his coronation, assembled together. The archbishop, in the midst, addressed them thus, "Hear, all men, that no one has an antecedent right to the kingdom, unless he shall have been unadvisedly chosen under the guidance of the Holy Spirit, on account of the merits of his character, after the example of Saul, whom the Lord set over his people, not as a king, but as born of royal ancestry. In the same manner was David, son of Jesse. Saul was chosen because he was a brave man, and suited for the royal dignity: David was chosen because he was holy and humble. Thus those who excel in merit are fitted to kingly dignity. But, if any relative of a king excels others in merit, all should the more readily assent to his election. We have said this to make manifest to you earl John, who is here present, brother of our late king Richard, lately deceased without heirs of his body, that earl John is prudent, active, and indubitably chosen by God's Holy Spirit, unanimously elected him to the kingdom and his royal blood." Now the archbishop was so much respected for his character and a support to the kingdom by his incomparable wisdom, no one, therefore, dared to dissent from what he said, as knowing that he had good cause for what he said. Earl John and all who were present acquiesced, and unanimously elected the earl, crying out, "God save the king." Bishop Hubert was afterwards asked why he acted thus, to which he replied that he had foreseen that

## Writ for the Assessment of the Thirteenth 35

on the 27th of May ; Philip, bishop of Durham, made an appeal to prevent this coronation taking place in the absence of Geoffrey archbishop of York, but did not obtain his wish. At this coronation king John bound himself by a triple oath, namely, to love Holy Church and its ordained priests, and to preserve it harmless from the attacks of evil designers, and to do away with bad laws, substituting good ones in their stead, and to see justice rightly administered throughout England. He was afterwards adjured by the same archbishop on behalf of God, and strictly forbidden to presume to accept this honor, unless he purposed in his mind, to fulfil in deed, what he had sworn to ; in reply to this the king promised that, by God's assistance, he would in all good faith keep the oath which he had made. On the following day, after he had received the homage and fealty of his subjects, he went to Saint Alban's, the proto-martyr of England, to pray ; and so, making but a very short stay in England, he with the advice of the nobles duly settled everything that required his attention.

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### 23. Writ for the Assessment of the Thirteenth

(February, 1207. Latin text, Stubbs, *S. C.* 283. Translation by Editors.  
1 Stubbs, 620.)

**T**HE king to all, etc. Be it known that by the common advice and assent of our council at Oxford it was provided, for the defence of our realm and the recovery of our right, and granted that every layman in all England, of whomsoever he may hold, who has rents and chattels in England, should give us in aid from every mark of his annual revenue, twelve pence, and from every mark's worth of every sort of movable chattels which he had on the octave of the Purification of the Blessed Virgin, that is at the time of the council, twelve pence, and thus in proportion more or less. And all the stewards and bailiffs of earls and barons, shall take oath before our justices of the value of the rents and movable chattels of their lords and likewise concerning their own. And every man except the earls and barons shall take oath concerning his own rents and chattels, according as our justices despatched for this purpose shall see to be best suited to our advantage. And if any one shall have been convicted of removing his chattels fraudulently to avoid our profit, or of concealing them in any place, or of putting them in the power of any one else, or of appraising them at less than their value, all his chattels shall be

assessment of this aid of ours in  
vill, they shall immediately cause copy to be  
rolls of all the particulars of the aid assessed, and  
the sheriff for the collection of the aid not later  
fortnight to fortnight, with all speed, and our  
their own rolls safely in their possession until  
. It is also decreed that all our clerks, and all  
their clerks, and all who shall busy themselves in  
all swear that they will do this work faithfully  
right, as it has been set forth, and that for  
neglect this. Moreover, we command, upon pain  
penalty, that every good penny of lawful weight, a  
new, shall be accepted both for our use and for  
our realm. Moreover, for assessing this aid in  
and, in our stead, Robert of Berkeley, Richard  
William of Falaise, Master R. of Gloucester, Ma-  
adam Fitz-Nigel, etc. And we bid you to be just  
them in this as to ourselves.  
Witness myself at Northampton, the seventeenth



## 24. Recognitions, Assizes, and t

Latin originals, Delisle, *Recueil de Jugements de l'Echiquier*  
Translation by Editors. Date and reference in each of  
first three cases are from Normandy, the usage is exact  
England, and they are earlier than the Magna Carta.  
(from Maitland's *Bracton's Note Book*.)

I. EUSTACE CARR

Eustace asked a recognition whether his father was seised of the said manor when he married his mother or not. But his uncle, who was holding that manor, asked the judgment of the king's court whether there ought to be taken another recognition concerning this than that which the said Eustace had had of the seisin of his father. But the bailiff pointed this out to lord Walter the chamberlain at Rouen. But lord Walter was unwilling to make judgment upon it at Rouen, but he postponed it to the exchequer of the lord king at Falaise, and when judgment was to be made upon it there, it was said and testified by many that the mother of the said Eustace asked the whole of the said manor in dower in the court of the lord king, and that she had by agreement in the court of the lord king a third part of that manor in dower. And so it was judged that the said Eustace as protector of that dower should have two parts of that manor. (p. 13, 1209.)

2. Recognition [recordatio] between Matthew le V. and Andrew de O. by [13 names] who say that they were at a certain assize at Grandmesnil and saw and heard that a certain inquiry by oath [jury] was made there between the same Matthew and the same Andrew concerning a certain land of the fee of Grandmesnil, and of the seisin of W. de A., uncle of the said Matthew. Ten men of those who made the inquiry by oath said that they never saw the said W. have seisin of the said land, but always they saw the father of the same Andrew and the same Andrew seised of that land. Two other men of those who made the inquiry by oath said that they knew nothing about it. And so the seisin of that land was judged in that assize to the same Andrew, and it was judged in that assize that the plea remained between them. It is judged that the same Andrew have seisin of that land, and the said Matthew in mercy for a false claim. (p. 27, 1212.)

3. Darrien Presentment. — It is judged that Alan de Av. have seisin of the presentation of the church of Av., since Henry de Al. who disseised the same Alan of this is unwilling to submit to a recognition according to the usages and customs of Normandy as to who presented the last parson deceased to that church, and the same Henry is in mercy. (p. 33, 1213.)

4. Novel Disseisin. — The assize came to inquire [recognitura] if Robert chaplain of Owresby unjustly etc. disseised Helena of Crosholm of her free tenement in Norton after etc. And R. came not nor was found and so the assize was taken by default. The jurors say he disseised her because R. made to reap in the land of the same Helena and to carry off. And so it was judged that Helena recover her seisin and R. be in mercy. (Case 1204, III., p. 217.)

5. *Mort d'Ancestor*. — The assize came to inquire if Simon son of Thomas, father of Richard son of Simon who is under age, was seised in his demesne and of fee of half a virgate of land with appurtenances in Brinton on the day on which he died, etc., and if etc. which land Gunnora of Brinton held, who came and called Richard of Brinton to warrant it, who came and warranted it to her and said . . . And since Richard is under age it was judged that he is not able to answer to this and so the assize proceeds. The jurors say that the said Simon died so seised as the writ says and that Richard is next heir of that same land which Gunnora held, concerning which she called to warrant the said Richard, whether there was more or less than half a virgate there. (Case 42, II., p. 39.)

## 25. John's Concession of the Kingdom to the Pope

(May, 1213. Latin text, Stubbs, *S. C.* 284. Translation, G. and H. 75. I Stubbs, 560.)

JOHN, by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine, earl of Anjou, to all the faithful in Christ who shall inspect this present charter, greeting. We will it to be known by all of you by this our charter, confirmed by our seal, that we, having offended God and our mother the holy Church in many things, and being on that account known to need the divine mercy, and unable to make any worthy offering for the performance of due satisfaction to God and the Church, unless we humble ourselves and our realms — we, willing to humble ourselves for him who humbled himself for us even to death, by the inspiration of the Holy Spirit's grace under no compulsion of force or of fear, but of our good and free will, and by the common consent of our barons, offer and freely grant to God and His holy apostles Peter and Paul, and the holy Roman Church, our mother, and to our lord the Pope Innocent and his catholic successors, the whole realm of England and the whole realm of Ireland with all their rights and appurtenances, for the remission of our sins and those of all our race, as well quick as dead; and from now receiving back and holding these as a feudal dependant, from God and the Roman Church, in the presence of the prudent man Pandulf, subdeacon and familiar of the lord the pope, do and swear fealty for them to the aforesaid our lord the

## John's Concession of the Kingdom to the Pope 39

Pope Innocent and his catholic successors and the Roman Church, according to the form written below, and will do liege homage to the same lord the Pope in his presence if we shall be able to be present before him ; binding our successors and heirs by our wife, for ever, that in like manner to the supreme pontiff for the time being, and to the Roman Church, they should pay fealty and acknowledge homage without contradiction. Moreover, in proof of this our perpetual obligation and grant, we will and establish that from the proper and special revenues of our realms aforesaid, for all service and custom that we should render for ourselves, saving in all respects the penny of blessed Peter, the Roman Church receive 1000 marks sterling each year, to wit at the feast of Saint Michael 500 marks, and at Easter 500 marks ; 700 to wit for the realm of England, and 300 for the realm of Ireland ; saving to us and our heirs, our rights, liberties, and royalties. All which, as aforesaid, we willing them to be perpetually ratified and confirmed, bind ourselves and successors not to contravene. And if we or any of our successors shall presume to attempt this, whoever he be, unless he come to amendment after due admonition, let him forfeit right to the kingdom, and let this charter of obligation and grant on our part remain in force for ever.

### *The Oath of Fealty*

I, John, by the grace of God king of England and lord of Ireland, from this hour forward will be faithful to God and the blessed Peter and the Roman Church, and my lord the Pope Innocent and his successors following in catholic manner : I will not be party, in deed, word, consent, or counsel, to their losing life or limb or being unjustly imprisoned. Their damage, if I am aware of it, I will prevent, and will have removed if I can ; or else, as soon as I can, I will signify it, or will tell such persons as I shall believe will tell them certainly. Any counsel they intrust to me, immediately or by their messengers or their letter, I will keep secret, and will consciously disclose to no one to their damage. The patrimony of blessed Peter, and specially the realm of England and the realm of Ireland, I will aid to hold and defend against all men to my ability. So help me God and these holy gospels. Witness myself at the house of the Knights of the Temple near Dover, in the presence of the lord H. Archbishop of Dublin ; . . . Warren, son of Gerald. The 15th day of May in the 14th year of our reign.

g -- make inquiries about the losses and  
of each of the bishops, and how much was due



## 27. Writ of Summons to a G

(November, 1213. Latin text, Stubbs, S. C. 287. T  
I Stubbs, 567, 609.)

THE king to the sheriff of Oxfordshire, gre  
you to cause all the knights of your ba  
been summoned to appear before me at Oxf  
Day, to come in fifteen days with their arms ; b  
come in like manner unarmed : and that you c  
men of your county to meet us there at the san  
with us about the affairs of our realm.

Witness myself at Witney, the seventh day of 1  
Similar writs were directed to all the sheriffs.



## 28. Grant of Freedom of Election

(November, 1214. Latin text, Stubbs, S. C. 288. Tra  
77. I Stubbs, 568.)

*Charter of King John for Free Elections in*

JOHN, by the grace of God, king of England,  
duke of Normandy and Aquitaine. earl of A-  
bishops bishops

## Grant of Freedom of Election to Churches 41

terbury, primate of all England, and Cardinal of the Holy Roman Church and Bishops William of London, Eustace of Ely, Giles of Hereford, Joscelin of Bath and Glastonbury, and Hugh of Lincoln — we wish not only to make satisfaction to them, as far as in God we can, but also to make sound and beneficial provision for all the Church of England forever; and so whatsoever custom has been hitherto observed in the English Church, in our own times and those of our predecessors, and whatsoever right we have claimed for ourselves hitherto in the elections of any prelates, we have at their own petition, for the health of our soul and the souls of our predecessors and successors kings of England, freely of our mere and spontaneous will, with the common consent of our barons, granted and constituted, and by this our present charter have confirmed: that henceforth in all and singular the churches and monasteries, cathedral and conventual, of all our kingdom of England, the elections of all prelates, whatsoever, greater or less, be free forever, saving to ourselves and our heirs the custody of vacant churches and monasteries which belong to us. We promise also that we will neither hinder nor suffer nor procure to be hindered by our ministers that in all and singular the churches and monasteries mentioned, after the prelacies are vacant, the electors should, whenever they will, freely set a pastor over them, yet so that leave to elect be first asked of us and our heirs, which we will not deny nor defer. And if by chance, which God forbid, we should deny or defer, let the electors, none the less, proceed to make canonical election; and likewise, after the election is concluded, let our assent be demanded, which in like manner we will not deny, unless we put forth some reasonable excuse and lawfully prove it, by reason of which we should not consent. Wherefore we will and firmly forbid that when churches or monasteries are vacant, any one in anything proceed or presume to proceed in opposition to this our charter. But if any do ever at any time proceed in opposition to it, let him incur the curse of Almighty God and our own. These being witnesses: Peter, bishop of Winchester, . . . William of Huntingfield. Given by the hand of Master Richard de Marisco, our Chancellor, at the *ne* Temple in London, on the 21st day of November in the 16th year of our reign.



greeting. Know that by the suggestion of ( of our soul and those of all our predecessors the honor of God and the exaltation of h improvement of our kingdom, by the advi fathers Stephen, archbishop of Canterbury, land and Cardinal of the Holy Roman Church of Dublin, William of London, Peter of Win Bath and Glastonbury, Hugh of Lincoln, W William of Coventry, and Benedict of Roc. Master Pandulf, subdeacon and member of th lord Pope, of Brother Aymeric, master of Temple in England; and of the noblemen W of Pembroke, William, earl of Salisbury, Wi William, earl of Arundel, Alan of Galloway, co Warren Fitz-Gerald, Peter Fitz-Herbert, Hube chal of Poitou, Hugh de Nevil, Matthew Fit. Bassett, Alan Bassett, Philip d'Albini, Robert Marshall, John Fitz-Hugh, and others of our fa

- 1. In the first place we have granted to G present charter confirmed, for us and our heir English church shall be free, and shall hold it its liberties uninjured; and we will that it thus b is shown by this, that the freedom of election ered to be most important and especially neces church, we, of our pure and spontaneous will, g charter confirmed, before the contest between had arisen: and

his heir shall be of full age and owe relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an earl for the whole barony of an earl a hundred pounds; the heir or heirs of a baron for a whole barony a hundred pounds; the heir or heirs of a knight, for a whole knight's fee, a hundred shillings at most; and who owes less let him give less according to the ancient custom of fiefs.

3. If moreover the heir of any one of such shall be under age, and shall be in wardship, when he comes of age he shall have his inheritance without relief and without a fine.

4. The custodian of the land of such a minor heir shall not take from the land of the heir any except reasonable products, reasonable customary payments, and reasonable services, and this without destruction or waste of men or of property; and if we shall have committed the custody of the land of any such a one to the sheriff or to any other who is to be responsible to us for its proceeds, and that man shall have caused destruction or waste from his custody we will recover damages from him, and the land shall be committed to two legal and discreet men of that fief, who shall be responsible for its proceeds to us or to him to whom we have assigned them; and if we shall have given or sold to any one the custody of any such land, and he has caused destruction or waste there, he shall lose that custody, and it shall be handed over to two legal and discreet men of that fief who shall be in like manner responsible to us as is said above.

5. The custodian moreover, so long as he shall have the custody of the land, must keep up the houses, parks, warrens, fish ponds, mills, and other things pertaining to the land, from the proceeds of the land itself; and he must return to the heir, when he has come to full age, all his land, furnished with ploughs and implements of husbandry according as the time of wainage requires and as the proceeds of the land are able reasonably to sustain.

6. (Heirs shall be married without disparity) so nevertheless that before the marriage is contracted, it shall be announced to the relatives by blood of the heir himself.

7. A widow, after the death of her husband, shall have her marriage portion and her inheritance immediately and without obstruction, nor shall she give anything for her dowry or for her marriage portion, or for her inheritance which inheritance her husband and she held on the day of the death of her husband; and she may remain in the house of her husband for forty days after his death, within which time her dowry shall be assigned to her.

8. No widow shall be compelled to marry so long as she prefers to live without a husband, provided she gives security that she will not marry without our consent, if she holds from us, or without the consent of her lord from whom she holds, if she holds from another.

9. Neither we nor our bailiffs will seise any land or rent, for any debt, so long as the chattels of the debtor are sufficient for the payment of the debt; nor shall the pledges of a debtor be distrained so long as the principal debtor himself has enough for the payment of the debt; and if the principal debtor fails in the payment of the debt, not having the wherewithal to pay it, the pledges shall be responsible for the debt; and if they wish, they shall have the lands and the rents of the debtor until they shall have been satisfied for the debt which they have before paid for him, unless the principal debtor shall have shown himself to be quit in that respect towards those pledges.

10. If any one has taken anything from the Jews, by way of a loan, more or less, and dies before that debt is paid, the debt shall not draw interest so long as the heir is under age, from whomsoever he holds; and if that debt falls into our hands, we will take nothing except the chattel contained in the agreement.

11. And if any one dies leaving a debt owing to the Jews, his wife shall have her dowry, and shall pay nothing of that debt; and if there remain minor children of the dead man, necessities shall be provided for them corresponding to the holding of the dead man; and from the remainder shall be paid the debt, saving the service of the lords. In the same way debts are to be treated which are owed to others than the Jews.

12. No scutage or aid shall be imposed in our kingdom except by the common council of our kingdom, except for the ransoming of our body, for the making of our oldest son a knight, and for once marrying our oldest daughter, and for these purposes it shall be only a reasonable aid; in the same way it shall be done concerning the aids of the city of London.

13. And the city of London shall have all its ancient liberties and free customs, as well by land as by water. Moreover, we will and grant that all other cities and boroughs and villages and ports shall have all their liberties and free customs.

14. And for holding a common council of the kingdom concerning the assessment of an aid otherwise than in the three cases mentioned above, or concerning the assessment of a scutage we shall cause to be summoned the archbishops, bishops, abbots, earls, and greater barons by our letters individually; and besides we shall

cause to be summoned generally, by our sheriffs and bailiffs all those who hold from us in chief, for a certain day, that is at the end of forty days at least, and for a certain place; and in all the letters of that summons, we will express the cause of the summons, and when the summons has thus been given the business shall proceed on the appointed day, on the advice of those who shall be present, even if not all of those who were summoned have come.

15. We will not grant to any one, moreover, that he shall take an aid from his free men, except for ransoming his body, for making his oldest son a knight, and for once marrying his oldest daughter; and for these purposes only a reasonable aid shall be taken. *etc.*

16. No one shall be compelled to perform any greater service for a knight's fee, or for any other free tenement than is owed from it.

17. The common pleas shall not follow our court, but shall be held in some certain place.

18. The recognition of *novel disseisin*, *mort d'ancestor*, and *darrein presentment* shall be held only in their own counties and in this manner: we, or if we are outside of the kingdom our principal justiciar, will send two justiciars through each county four times a year, who with four knights of each county, elected by the county, shall hold in the county, and on the day and in the place of the county court, the aforesaid assizes of the county. *Or etc.*

19. And if the aforesaid assizes cannot be held within the day of the county court, a sufficient number of knights and free-holders shall remain from those who were present at the county court on that day to give the judgments, according as the business is more or less.

20. A free man shall not be fined for a small offence, except in proportion to the measure of the offence; and for a great offence he shall be fined in proportion to the magnitude of the offence, saving his freehold; and a merchant in the same way, saving his merchandise; and the villain shall be fined in the same way, saving his wainage, if he shall be at our mercy; and none of the above fines shall be imposed except by the oaths of honest men of the neighborhood.

21. Earls and barons shall only be fined by their peers, and only in proportion to their offence.

22. A clergyman shall be fined, like those before mentioned, only in proportion to his lay holding, and not according to the extent of his ecclesiastical benefice.

23. No vill or man shall be compelled to make bridges over the rivers except those which ought to do it of old and rightfully.

## English Constitutional Documents

to sheriff, constable, coroners, or other bailiffs of ours shall  
of our crown.

of counties, hundreds, wapentakes, and tithings shall be  
ancient rents and without any increase, excepting our  
manors.

any person holding a lay fief from us shall die, and our  
bailiff shall show our letters-patent of our summons con-  
debt which the deceased owed to us, it shall be lawful  
sheriff or bailiff to attach and levy on the chattels of the  
found on his lay fief, to the value of that debt, in the  
legal men, so nevertheless that nothing be removed thence  
clear debt to us shall be paid; and the remainder shall  
to the executors for the fulfilment of the will of the de-  
and if nothing is owed to us by him, all the chattels shall  
the deceased, saving to his wife and children their reason-  
ables.

any free man dies intestate, his chattels shall be dis-  
by the hands of his near relatives and friends, under the  
of the church, saving to each one the debts which the  
owed to him.

to constable or other bailiff of ours shall take any one's  
other chattels, without immediately paying for them in  
as he is able to obtain a postponement at the good-

34. The writ which is called *præcipe* shall not be given for the future to any one concerning any tenement by which a free man can lose his court.

35. There shall be one measure of wine throughout our whole kingdom, and one measure of ale, and one measure of grain, that is the London quarter, and one width of dyed cloth and of russets and of halbergets, that is two ells within the selvages; of weights, moreover it shall be as of measures.

36. Nothing shall henceforth be given or taken for a writ of inquisition concerning life or limbs, but it shall be given freely and not denied.

37. If any one holds from us by fee farm or by socage or by burgage, and from another he holds land by military service, we will not have the guardianship of the heir or of his land which is of the fief of another, on account of that fee farm, or socage, or burgage; nor will we have the custody of that fee farm, or socage, or burgage, unless that fee farm itself owes military service. We will not have the guardianship of the heir or of the land of any one, which he holds from another by military service on account of any petty serjeanty which he holds from us by the service of paying to us knives or arrows, or things of that kind.

38. No bailiff for the future shall put any one to his law on his simple affirmation, without credible witnesses brought for this purpose.

39. No free man shall be taken or imprisoned or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by the legal judgment of his peers or by the law of the land.

40. To no one will we sell, to no one will we deny, or delay right or justice.

41. All merchants shall be safe and secure in going out from England and coming into England and in remaining and going through England, as well by land as by water, for buying and selling, free from all evil tolls, by the ancient and rightful customs, except in time of war, and if they are of a land at war with us; and if such are found in our land at the beginning of war, they shall be attached without injury to their bodies or goods, until it shall be known from us or from our principal justiciar in what way the merchants of our land are treated who shall be then found in the country which is at war with us; and if ours are safe there, the others shall be safe in our land.

42. It is allowed henceforth to any one to go out from our kingdom, and to return, safely and securely, by land and by water,

saving their fidelity to us, except in time of war for some short time, for the common good of the kingdom; excepting persons imprisoned and outlawed according to the law of the realm, and people of a land at war with us, and merchants, of whom it shall be done as is before said.

43. If any one holds from any escheat, as from the honor of Wallingford, or Nottingham, or Boulogne, or Lancaster, or from other escheats which are in our hands and are baronies, and he dies, his heir shall not give any other relief, nor do to us any other service than he would do to the baron, if that barony was in the hands of the baron; and we will hold it in the same way as the baron held it.

44. Men who dwell outside the forest shall not henceforth come before our justiciars of the forest, on common summons, unless they are in a plea of, or pledges for any person or persons who are arrested on account of the forest.

X 45. We will not make justiciars, constables, sheriffs or bailiffs except of such as know the law of the realm and are well inclined to observe it.

46. All barons who have founded abbeys for which they have charters of kings of England, or ancient tenure, shall have their custody when they have become vacant, as they ought to have.

47. All forests which have been afforested in our time shall be disafforested immediately; and so it shall be concerning river banks which in our time have been fenced in.

48. All the bad customs concerning forests and warrens and concerning foresters and warreners, sheriffs and their servants, river banks and their guardians shall be inquired into immediately in each county by twelve sworn knights of the same county, who shall be elected by the honest men of the same county, and within forty days after the inquisition has been made, they shall be entirely destroyed by them, never to be restored, provided that we be first informed of it, or our justiciar, if we are not in England.

49. We will give back immediately all hostages and charters which have been liberated to us by Englishmen as security for peace or for faithful service.

50. We will remove absolutely from their bailiwicks the relatives of Gerard de Athyes, so that for the future they shall have no bailiwick in England; Engelard de Cygony, Andrew, Peter and Gyon de Chancelles, Gyon de Cygony, Geoffrey de Martin and his brothers, Philip Mark and his brothers, and Geoffrey his nephew and their whole retinue.

51. And immediately after the reestablishment of peace we

will remove from the kingdom all foreign-born soldiers, cross-bow men, serjeants, and mercenaries who have come with horses and arms for the injury of the realm.

52. If any one shall have been dispossessed or removed by us without legal judgment of his peers, from his lands, castles, franchises, or his right, we will restore them to him immediately; and if contention arises about this, then it shall be done according to the judgment of the twenty-five barons, of whom mention is made below concerning the security of the peace. Concerning all those things, however, from which any one has been removed or of which he has been deprived without legal judgment of his peers by King Henry our father, or by King Richard our brother, which we have in our hand, or which others hold, and which it is our duty to guarantee, we shall have respite till the usual term of crusaders; excepting those things about which the suit has been begun or the inquisition made by our writ before our assumption of the cross; when, however, we shall return from our journey or if by chance we desist from the journey, we will immediately show full justice in regard to them.

53. We shall, moreover, have the same respite and in the same manner about showing justice in regard to the forests which are to be disafforested or to remain forests, which Henry our father or Richard our brother made into forests; and concerning the custody of lands which are in the fief of another, custody of which we have until now had on account of a fief which any one has held from us by military service; and concerning the abbeyes which have been founded in fiefs of others than ourselves, in which the lord of the fee has asserted for himself a right; and when we return or if we should desist from our journey we will immediately show full justice to those complaining in regard to them.

54. No one shall be seized nor imprisoned on the appeal of a woman concerning the death of any one except her husband. AK

55. All fines which have been imposed unjustly and against the law of the land, and all penalties imposed unjustly and against the law of the land are altogether excused, or will be on the judgment of the twenty-five barons of whom mention is made below in connection with the security of the peace, or on the judgment of the majority of them, along with the aforesaid Stephen, archbishop of Canterbury, if he is able to be present, and others whom he may wish to call for this purpose along with him. And if he should not be able to be present, nevertheless the business shall go on without him, provided that if any one or more of the aforesaid twenty-five barons are in a similar suit they should be removed as



and concerning holdings of the borderland of the borderland. The Welsh shall do the

57. Concerning all those things, however, if the Welsh shall have been removed or disposed of by judgment of his peers, by King Henry our father and our brother, which we hold in our hands, or where we are bound to warrant to them, we shall not be bound during the usual period of crusaders, those being excepted in which was begun or inquisition made by our commandment of the cross. When, however, we shall return, we shall desist from our journey, we will show immediately, according to the laws of the Welsh in the said parts.

58. We will give back the son of Lewellyn in the hostages from Wales and the charters which were granted to us as a security for peace.

59. We will act toward Alexander, king of the Scots, in the return of his sisters and his hostages, and in the franchises and his right, according to the manner in which we act toward our other barons of England, unless otherwise by the charters which we hold from the former king of the Scots, and this shall be by the judgment of our peers in our court.

60. Moreover, all those customs and franchises which we have conceded in our kingdom, and which we have filled, as far as pertains to us, in respect to our kingdom as well clergy as laymen, shall obtain to them, in respect to their men.

61. Since, moreover for the


described below ; that is to say, that they shall elect twenty-five barons of the kingdom, whom they will, who ought with all their power to observe, hold, and cause to be observed, the peace and liberties which we have conceded to them, and by this our present charter confirmed to them ; in this manner, that if we or our justiciar, or our bailiffs, or any one of our servants shall have done wrong in any way toward any one, or shall have transgressed any of the articles of peace or security ; and the wrong shall have been shown to four barons of the aforesaid twenty-five barons, let those four barons come to us or to our justiciar, if we are out of the kingdom, laying before us the transgression, and let them ask that we cause that transgression to be corrected without delay. And if we shall not have corrected the transgression or, if we shall be out of the kingdom, if our justiciar shall not have corrected it within a period of forty days, counting from the time in which it has been shown to us or to our justiciar, if we are out of the kingdom ; the aforesaid four barons shall refer the matter to the remainder of the twenty-five barons, and let these twenty-five barons with the whole community of the country distress and injure us in every way they can ; that is to say by the seizure of our castles, lands, possessions, and in such other ways as they can until it shall have been corrected according to their judgment, saving our person and that of our queen, and those of our children ; and when the correction has been made, let them devote themselves to us as they did before. And let whoever in the country wishes take an oath that in all the above-mentioned measures he will obey the orders of the aforesaid twenty-five barons, and that he will injure us as far as he is able with them, and we give permission to swear publicly and freely to each one who wishes to swear, and no one will we ever forbid to swear. All those, moreover, in the country who of themselves and their own will are unwilling to take an oath to the twenty-five barons as to distressing and injuring us along with them, we will compel to take the oath by our mandate, as before said. And if any one of the twenty-five barons shall have died or departed from the land or shall in any other way be prevented from taking the above-mentioned action, let the remainder of the aforesaid twenty-five barons choose another in his place, according to their judgment, who shall take an oath in the same way as the others. In all those things, moreover, which are committed to those five and twenty barons to carry out, if perhaps the twenty-five are present, and some disagreement arises among them about something, or if any of them when they have been summoned are not willing or are not able to be present, let that be considered valid, and firm

sions and liberties shall be revoked or dim.  
such thing shall have been obtained, let it be  
we will never use it by ourselves or by anothe

62. ~~And all ill-will, grudges, and anger of  
and our men, clergy and laymen, from the tin  
have fully renounced and pardoned to all.~~

gressions committed on account of this disp  
the sixteenth year of our reign till the resto  
have fully remitted to all, clergy and laymen,  
tains to us, fully pardoned. And moreover  
be made for them testimonial letters-patent  
archbishop of Canterbury, lord Henry, archbis.  
of the aforesaid bishops and of Master Pandulf  
security and the concessions named above.

63. Wherefore we will and firmly command  
England shall be free, and that the men in  
have and hold all the aforesaid liberties, right  
well and peacefully, freely and quietly, fully at  
themselves and their heirs, from us and our h  
and places, forever, as before said. It has beer  
as well on our part as on the part of the bar  
things spoken of above shall be observed in good  
any evil intent. Witness the above named  
Given by our hand in the meadow which is ca  
between Windsor and Staines, on the fifteenth  
the seventeenth year of our reign.

*Real Seal* →   
*John,*

Writ for the Collection of a Carrucage 53

realm have granted to us collectively and voluntarily a gift to be made to us, to wit, from each carrucate as it was defined on the morrow of the feast of the Blessed John the Baptist last part, in the fourth year of our reign, two shillings are to be collected by your own hand and the hands of two of the more lawful knights of your country; who shall be chosen to do this, by the will and counsel of all of the county in full county court. And therefore we bid you and firmly and strictly enjoin you that, after the convocation of the full court of your county, by the will and consent of those of the county, you cause to be chosen two of the more lawful knights of the whole county who shall best know how, wish and be able to attend to this business to our advantage, and when these have been associated with you, you shall immediately cause this gift to be assessed throughout your whole bailiwick and collected from each carrucate, as aforesaid, excepting the demesnes of the archbishops, bishops, and their villeins, and excepting the demesnes of the order of the Cistercians and Premonstratensians. And you shall see to it that you know how to make answer to us strictly and openly, on the morrow of Michaelmas next coming, at London, how many carrucates there are in your bailiwick from which we ought to have this gift; and the money coming from thence you shall cause to be safely collected by the hands of the aforesaid two knights and by your own hand, and that money you shall cause to be brought to London on the aforesaid day under your seal and the seals of the aforesaid two knights, and you shall have it deposited safely in the New Temple until it shall have been arranged what ought to be done with it; and you, as you value your life and property, busy yourself in this, lest afterwards, by occasion of malfeasance done by you and the aforesaid knights in the inquisition and collection, we should have to make diligent inquisition by faithful subjects sent from our court, to the serious confusion of yourself and of those who shall have been associated with you in the making of the aforesaid inquisition and collection.

Witness, etc., at Oxford, the ninth day of August.

**I** THE king to the sheriff of Yorkshire, Greet  
Summon by good summoners all archbish  
priors, earls, barons, knights, and all freehold  
wick, from each vill four lawful men and the re  
borough twelve lawful burgesses, throughout y  
and all others who are accustomed and ough  
the justices itinerant, that they be present at  
of Trinity Sunday in the fifteenth year of ou  
beloved and faithful S. de Segrave, Ralph  
Fitz-Alan, William of Lisle, Robert of Lexingt  
of Shardelawe, and William of London, whom  
our justices, to hear and perform our commai  
time, cause to be brought before the said justici  
crown which have not been tried, and those v  
since our justices last went on circuit in those pa  
ments concerning those pleas, and all the assizes  
which are set down for the first assize of the  
writs of the assizes and pleas, so that those assize  
not be omitted, on account of any default of  
summons. Also cause it to be proclaimed a  
throughout your whole bailiwick that all the a  
pleas which were appointed a term for a heari  
been brought to an end before our justices at  
before our justices who last went on circuit in  
hear all pleas, or before the justices sent thither  
novel disseisin and of jail-delivery, shall at that  
our aforesaid justices at York, in the same stat  
have remained by our order, or by the order  
justices itinerant or our justices of the

## Writ of Summons for Two Knights of the Shire 55

### 32. Writ for the Collection of Scutage

(July, 1235. Latin text, Stubbs, *S. C.* 364. Translation by Editors.  
2 Stubbs, 52.)

**T**HE king to the sheriff of Somersetshire, Greeting.

Know that the earls and barons and all others of our whole realm of England, of their own free will and not as a precedent, have granted us an effectual aid to promote our great undertakings. Wherefore provision was made by their advice that we should have from each knight's fee which is held from us in chief, and from the wardships, as well from a new feoffment as from an old one, two marks to furnish us the aforesaid aid, of which they made provision to give us one moiety at Michaelmas in the nineteenth year of our reign, and the other moiety at Easter in our twentieth year. They also made provision that the said scutage should be collected by the hands of their bailiffs in each county and paid by the hands of the same to two knights whom we have designated in each county for conveying it to our exchequer in London, and delivering it there to our treasurer and our chamberlains; and therefore we order that, at the command of all the earls and barons and all others who hold from us in chief, in the aforesaid bailiwick, in the aforesaid manner, and without delay, you shall make distraint upon all the knights and freeholders who hold from them by knight service in your bailiwick for the paying to their bailiffs from each knight's fee and wardship two marks to render us the aforesaid aid at the aforesaid times, and for the delivery of it to John of Aura and Henry of Meriet whom we have appointed for this purpose in your county, as aforesaid etc.

Witness myself at Westminster, the seventeenth of July in the nineteenth year, etc.

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### 33. Writ of Summons for Two Knights of the Shire to grant an Aid

(February, 1254. Latin text, Stubbs, *S. C.* 376. Translation by Editors.  
2 Stubbs, 69, 232.)

**F**ORM directed to all the magnates and sheriffs of England.

The king to the sheriff of Bedfordshire and Buckinghamshire,  
Greeting.

Since the earls and barons and other magnates of our realm

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hfully promised us that they will be in London in three  
on next Easter, furnished with horses and arms and well  
to go without any delay to Portsmouth, to come over to  
to us, to aid us against the king of Castile who intends to  
our territory of Gascony with a strong force, next summer,  
ordered you to constrain to this all those in your baili-  
to hold lands worth twenty pounds a year from us in chief,  
others who are under age and in our wardship ; we straitly  
of you, that besides all those aforesaid, you cause to come  
our council at Westminster on the fifteenth day after Easter  
lawful and discreet knights from the said counties whom  
counties shall have chosen for this purpose, in place of all  
lar of the said counties, that is, two from one county and  
the other, who together with the knights from the other  
whom we have had summoned for the same day, shall  
that aid they are willing to pay us in our need. And you  
carefully set forth to the knights and others of the said  
our need and how urgent is our business, and effectually  
them to pay us an aid sufficient for the time being ; so  
aforesaid four knights at the aforesaid time shall be able  
finite answer concerning the said aid to the aforesaid  
for each of the said counties. We also give you an abso-  
ad that all dues to us in your bailiwick which are in

court is held, shall meet to hear all complaints made by the sheriffs or bailiffs or any one else against all persons whatsoever, concerning all trespasses whatsoever, and to make the attachments which belong to the said complaints before the next coming of the chief justice into those parts. Also they shall take sufficient sureties from the plaintiff to prosecute and from the defendant to appear for trial before the aforesaid justice at his next coming. And that the aforesaid four knights shall cause enrollment to be made of all the aforesaid complaints, with their attachments in proper order and sequence, that is, each hundred separately and by itself. So that the aforesaid justice at his next coming shall be able to hear and bring to an end the aforesaid complaints, one by one from each hundred. And they shall make known to the sheriff that all the hundredmen and their bailiffs shall be made to appear before the said justice, at his next coming, at a time and place which he shall have announced to them; so that each hundredman shall cause all plaintiffs and defendants from his bailiwick to appear in succession according as the said justice shall have called to trial from the said hundred; and also so many and such knights as well as free and lawful men from his bailiwick by whom the truth of the matter can best be established, in such manner that all shall not be troubled together and at the same time, but as many shall appear as can be tried and brought to an end in one day.

Likewise it is provided that no knight of the aforesaid counties, shall be excused by writ of the lord king that he be not placed upon juries and assizes, nor be quit with respect to this provision thus made for the common advantage of the whole realm.

*Those elected from the Party of the Lord King*

The lord bishop of London, the lord bishop-elect of Winchester, the lord Henry son of the king of Germany, the lord John earl of Warenne, the lord Guy of Lusignan, the lord William of Valence, the lord John earl of Warwick, the lord John Mansel, friar John of Darlington, the abbot of Westminster, the lord Henry of Wengham.

*Those elected from the Party of the Earls and Barons*

The lord bishop of Worcester, the lord Simon earl of Leicester, the lord Richard earl of Gloucester, the lord Humphrey earl of Hereford, the lord Roger Marshall, the lord Roger of Mortimer, the lord John Fitz-Geoffrey, the lord Hugh Bigot, the lord Rich-



ard de Gray, the lord William Bardulf, the lord Peter de Montfort, the lord Hugh le Despenser.

And if it happens that any one of these cannot be present, through necessity, the rest of these shall choose whom they will, to wit, the other necessary in the place of the one absent, in order to transact this business.

*This the Commonalty of England swore at Oxford*

We, so and so, make known to all men, that we have sworn upon the holy Gospels, and are held together by such oath, and promise in good faith, that each one of us and we all together will mutually aid each other, both ourselves and those belonging to us, against all people, doing right and taking nothing that we cannot without doing mischief, saving faith to the king and the crown. And we promise under the same oath, none of us will henceforth take land or movables by which this oath can be disturbed or in any ways impaired. And if any one acts against this, we will hold him as a mortal enemy.

*This is the Oath to the Twenty-four*

Each swore on the holy Gospels, that he to the honor of God, and to his faith to the king, and to the profit of the realm, will ordain and treat with the aforesaid sworn persons upon the reformation and amendment of the state of the realm. And that he will not fail for gift, nor for promise, for love, nor for hate, nor for fear of any one, nor for gain, nor for loss, loyally to do according to the tenor of the letter which the king and his son have together given for this.

*This the Chief Justice of England swor*

He swears that he will well and loyally according to his power do that which belongs to the justiciar of right to hold, to all persons, to the profit of the king and the kingdom, according to the provision made and to be made by the twenty-four, and by the counsel of the king and the great men of the land, who shall swear in these things to aid and support him.

*This the Chancellor of England swore*

That he will seal no writ, excepting writs of course, without the commandment of the king and of his council who shall be present.

Nor shall he seal a gift of a great wardship, or of a great (     )<sup>1</sup> nor of escheats, without the assent of the great council or of the major part. And that he will seal nothing which may be contrary to the ordinance which is made and shall be made by the twenty-four, or by the major part. And that he will keep no fee otherwise than what is given to the others. And he shall be given a companion in the form which the council shall provide.

*This is the Oath which the Guardians of the King's Castles made*

That they will keep the castles of the king loyally and in good faith for the use of the king and of his heirs; and that they will give them up to the king or to his heirs, and to none other, and by his counsel and in no other manner, to wit, by honest men of the land elected as his council, or by the major part. And this form by writ lasts for twelve years. And from that time forward by this settlement and this oath they shall not be hindered so that they cannot freely give them up to the king and his heirs.

*These are those who are sworn of the King's Council*

The archbishop of Canterbury, the bishop of Worcester, the earl of Leicester, the earl of Gloucester, the earl Marshall, Peter of Savoy, the earl of Albemarle, the earl of Warwick, the earl of Hereford, John Mansel, John Fitz-Geoffrey, Peter de Montfort, Richard de Gray, Roger of Mortimer, James of Aldithley.

The twelve on the king's side have elected out of the twelve on that of the commonalty the earl Roger the Marshall, and Hugh Bigot.

And the party of commonalty have elected out of the twelve who are on the king's side the earl of Warwick and John Mansel.

And these four have power to elect the council of the king, and when they have elected them, they shall present them to the twenty-four; and there, where the greater part of these agree, it shall be held.

*These are the Twelve who are elected by the Barons to treat at the Three Parliaments by Year with the King's Council for all the Commonalty of the Land of the Common Need*

The bishop of London, the earl of Winchester, the earl of Hereford, Philip Basset, John of Balliol, John of Verdun, John de

<sup>1</sup> A blank space in the manuscript.

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ger of Sumery, Roger de Monthaut, Hugh le Despenser,  
of Gresley, Giles d'Argentine.

### *the Twenty-four appointed by the Commonalty to treat of Aid to the King*

hop of Worcester, the bishop of London, the bishop of  
the earl of Leicester, the earl of Gloucester, the earl  
Peter of Savoy, the earl of Hereford, the earl of Albe-  
earl of Winchester, the earl of Oxford, John Fitz-  
John de Gray, John of Balliol, Roger of Mortimer,  
Monthaut, Roger of Sumery, Peter de Monfort, Thomas  
, Fulk of Kerston, Giles d'Argentine, John Kyriel,  
set, Giles of Erdinton.

ny one of these cannot or will not serve, those who shall  
ave power to elect another in his place.

### *Of the State of Holy Church*

remembered that the state of the holy church be amended  
enty-four elected to reform the state of the realm of  
when they shall see place and time, according to the  
n they have respecting it by the letter of the king of

*Of the Power of the Justice and Bailiffs*

The chief justice has power to amend the wrongs done by all the other justices and bailiffs, and earls, and barons, and all other people, according to the law and justice of the land, and in fit places, and that the justice take nothing unless it be presents of bread and wine, and such things, to wit, meat and drink, as have been used to be brought to the tables of the chief men for the day. And let this same thing be understood of all the king's councillors and all his bailiffs. And that no bailiff by occasion of plea or of his office, take any fee in his own hand, or through the agency of another in any manner. And if he is convicted, that he be punished, and he who gives likewise. And if it be fitting, that the king give to his justiciar and his people who serve him, so that they have no occasion to take any thing from elsewhere.

*Of the Sheriffs*

Let there be provided as sheriffs, loyal people, and substantial men, and land tenants ; so that in each county there be a vava-sour of the same county as sheriff, to treat the people of the county well, loyally, and rightfully. And that he take no fee, and that he be sheriff only for a year together ; and that in the year he give up his accounts at the exchequer and answer for his time. And that the king grant unto him out of his own, according to his contribution, so that he can guard the county rightfully. And that he take no fee, neither he nor his bailiffs. And if they be convicted let them be punished.

Be it remembered that such amendment is to be applied to the Jewry, and to the wardens of the Jewry, that the oath as to the same may be kept.

*Of the Escheators*

Let good escheators be appointed ; and that they take nothing of the effects of the dead, of such lands as ought to be in the king's hand. Also that the escheators have free administration of the goods until they shall have done the king's will, if they owe him debts. And that, according to the form of the Charter of liberty. And that inquiry be made into the wrongs done which the escheators have done there aforetime, and amendment be made of such and such. Nor let tallage on any thing else be taken, excepting such as ought to be according to the Charter of liberty.

Let the Charter of liberty be kept firmly.

...to amend the hostelry of  
een.

*the Parliaments, how Many shall be held by Y  
Manner*

It is to be remembered that the twenty-four ha  
re be three parliaments a year. The first at th  
chael. The second the morrow of Candlemas  
t day of June, to wit, three weeks before Saint  
ee parliaments the elected councillors of the  
en if they are not sent for, to see the state of tl  
at of the common wants of the kingdom, and of  
nner. And other times in like manner when oc  
the king's command.

So it is to be remembered that the commonal  
nest men, who shall come at the parliaments a  
en occasion shall be, when the king or his cou  
them to treat of the wants of the king and of  
d that the commonalty shall hold as establish  
ese twelve shall do. And that shall be done to  
the commonalty.

There shall be fifteen named by these four, to v  
marshall, the earl of Warwick, Hugh Bigot, and  
o are elected by the twenty-four to name the al  
o shall be the king's council. And they shall b  
e aforesaid twenty-four, or by the major part c  
y shall have power to counsel the king in good  
g the government of the realm and all things whi  
e king or to the kingd--

## 15. The Provisions of the Barons or of Westminster

October, 1259. Latin text and translation, 1 *S. R.* 8, Stubbs, *S. C.* 401.  
2 Stubbs, 83.)

**I**N the year of the Incarnation of our Lord, one thousand two hundred and fifty-nine, and the forty-third year of the reign of king Henry the son of king John, there being assembled at Westminster in the fifteenth of Saint Michael, our said lord the king and his great men, by the common counsel and consent of the said king and great men, the underwritten provisions were made by the same king and great men, and were published in the manner following.

1. Of doing suits, unto the courts of the great men and others the lords of these courts, it is provided and with full consent ordained, that no man who hath been infeoffed by deed shall be distrained from henceforth to do suit unto the court of his lord, unless he be specially bounden to do suit by the form of his deed : except those whose ancestors or who themselves have used to do such suit, before the first voyage of the said lord the king into Brittany ; from the time whereof there have passed twenty-nine years and a half at the time of making this ordinance ; and in like manner no man infeoffed without deed from the time of the Conquest, or by other ancient feoffment, shall be distrained to do such suit ; unless he or his ancestors have used to do the same, before the first voyage of the said lord the king into Brittany.

2. And if any inheritance wherefrom only one suit was due, shall descend unto many heirs, as parceners thereof, he that hath the elder's share of that inheritance shall do one suit for himself and his coparceners ; and his coparceners shall contribute after their shares, to the doing of that suit. And in like manner if many shall have been infeoffed of any inheritance wherefrom one suit were due, the lord of that fee shall have but one suit therefrom ; nor can he exact more than one suit from the said inheritance, as it hath been used to be done before. And if the persons infeoffed have no warrantor or mean who ought to acquit them thereof, then all of them shall contribute after their shares, to the doing of that suit.

3. And if it happen that the lords of courts do distrain their tenants for such suit, contrary to this provision, then upon the complaint of those      they shall be attached to appear in the

...shall not keep the day  
essoyn, then the sheriff shall be comma  
come upon another day ; at which day  
sheriff shall be commanded to distrain th  
sess within his bailiwick, so that he shall  
the issues, and to have their bodies by a  
fixed, so that if they should not come u  
plaintiff may go thence without day ; and  
tresses shall remain delivered until those l  
suit by award of the court of our lord the l  
time such distresses shall cease : saving to  
their right to recover those suits in form  
sue therefore. And when the lords of the  
answer unto the plaintiffs for such distresses  
convicted, then by the award of the cou  
recover against them their damages, which  
by occasion of the aforesaid distress. And  
ants, after this act, do withdraw from their l  
they ought to do, and which before the t  
voyage and hitherto they have used to do, th  
shall obtain justice to recover their suits, tog  
ages, by the same process and dispatch, in re  
of days and awarding of distresses, like as th  
their damages. And this matter of recoveri  
understood of the withdrawals done to them  
withdrawings done to their predecessors : r  
of the courts shall not recover seisin of su  
tenants by default ; as that hath not been  
And concerning the suits that were withdr  
of the aforesaid voyage

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to come to such turn except in the bailiwicks where they shall dwell : and the turns shall be holden according to the form of the king's Great Charter, and as they were wont to be holden in the times of king John and king Richard.

5. It is also provided that neither in the circuit of justicers, nor in the county and hundred courts, nor in the courts baron, shall fines be taken from any from henceforth for fair pleading, nor for not being troubled on that account.

6. In the plea of dower that is called *Unde nihil habet*, from henceforth there shall be given four days in the year at least, and more if it may be conveniently done.

7. In assizes of darrein presentment, and in the plea of *Quare impedit* of churches vacant, the day shall be given from fifteen days to fifteen days, or from three weeks to three weeks, according as the place may be far or near. And in the plea of *Quare impedit*, if the disturber come not at the first day for which he shall have been summoned, nor cast an essoin, then he shall be attached unto another day, on which day if he come not nor cast an essoin, he shall be distrained by the great distress above mentioned. And if he come not then, upon his default the bishop shall be written to, that the claim of the disturber shall not obstruct the plaintiff for that term ; saving unto the disturber his right at another time, when he will sue therefore.

8. Concerning charters of exemption and privilege, that the purchasers shall not be impanelled in assizes, juries, or recognitions, it is provided, that if their oath should be so necessary, that without it justice could not be administered, as in the great assize and perambulations, and where they may have been named as witnesses in charters, or writings of covenants, or in attaints or other like cases, they shall be compelled to swear ; saving unto them at another time their aforesaid privilege and exemption.

9. If any heir should be under age after the death of his ancestor, and his lord have the wardship of his lands, if that lord will not render unto the said heir his lands when he cometh to lawful age, without plea, the heir shall recover his land as from the death of his ancestor, together with the damages that he shall have sustained by that withholding from the time of his coming to lawful age ; and if an heir at the time of his ancestor's death be of full age, and such heir, apparent and known to be the heir, be found in the inheritance, his chief lord shall not put him out, nor take or remove any thing therefrom, but shall take simple seisin only for the acknowledgment of his seigniory.



is also provided, that where  
is in the custody of an heir's kin:  
within age, those guardians cannot  
despoiling in that inheritance, but  
use of the heir: so that when he  
answer unto him by a lawful account  
inheritance; saving unto those guar-  
dians. Neither can the said guardians  
of the said heir, but for the benefit of

13. No escheator, or commission-  
ers, signed to take any assizes, or to hear  
pleas, shall from henceforth have authority  
of the common summons, except the  
eyre in their circuits.

14. It shall not be lawful for men to  
take any man's fee, without the license of the crown  
is immediately holden.

15. Concerning essoins it is provided  
in the hundred courts, or courts baron, or exchequer,  
obliged to swear for the warranting of

16. None but the king from henceforth  
shall be court of a false judgment given in the  
cause such pleas do especially belong  
to the king's dignity.

17. It is provided also, that if any  
person be unjustly detained, the sheriff after correction  
of him, may deliver them, without let or delay  
the said cattle, if they were taken with  
the cattle should be taken within the liberties

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19. It is provided also, that if bailiffs who are bounden to render account unto their lords shall withdraw themselves, and have no lands or tenements whereby they may be distrained, then they shall be attached by their bodies, so that the sheriffs in whose bailiwicks they shall be found, shall cause them to come to the rendering of their account.

20. Also farmers during their farms, shall not make waste, or sale, or exile, in woods, houses, men, or in any thing else belonging to the tenements which they have to farm; unless they have a special grant in the writing of their covenant, making mention that they may do so. And if they do, and be convicted thereof, they shall restore damages in full.

21. The justices in eyre from henceforth shall not amerce the township in their circuit, because all that are twelve years old do not appear before the sheriffs and coroners upon inquests for the death of man, or other things pertaining to the crown; so that from those townships there come enough for the making of such inquests fully.

22. The fine of murder from henceforth shall not be adjudged before the justices, where it hath been adjudged to be misfortune only: but the fine of murder shall hold place upon those slain feloniously, and not otherwise.

23. It is moreover provided, that no man who is vouched to warranty before the justices in eyre, in a plea of land or tenement, shall from henceforth be amerced because he was not present, save on the first day of the coming of the justices: but if the vouchee be within the county, then the sheriff shall be enjoined to cause him to come within the third or fourth day, according to the distance of the places, as it was wont to be in the circuit of the justices: and if he dwell without the county, then he shall have a reasonable summons of fifteen days at the least, according to the discretion of the justices and the common law.

24. If any clerk should be arrested for any crime or charge that toucheth the crown, and afterwards by the king's precept, be let to bail, or be replevied, so that those to whom he is let to bail should have him before the justices, from henceforth they to whom he hath been let to bail, or his other pledges shall not be amerced, if they have his body before the justices, although he will not or cannot make answer before them by reason of the privilege of clergy.

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### 36. Confirmation of the Charters

1265. Latin text, Stubbs, *S. C.* 416. Translation by Editor  
(2 Stubbs, 94.)

...ing to all the people of the county of York, Greeting.  
\* \* We will and expressly agree that, if we or the ~~said~~  
our son shall have presumed to go in any way contrary —  
far from us — to the said ordinance, or our provision,  
or to disturb the peace and tranquillity of our realm, or  
by reason of their former acts in the time of the late  
peace and war, any one of the aforesaid, or of the party of  
said whom we have defied, or do or procure the doing  
to any of them, it shall be lawful for every one in our  
realm to rise against us and to use all the ways and means they  
may against us, to which we will that each and every one shall  
be bound by our command, notwithstanding the fealty  
which he has sworn to us; so that they shall in no  
manner attend to us, but that they shall do everything which  
shall be to our injury and shall in no way be bound to us, until that  
we have transgressed and offended shall have been by a  
satisfaction brought again into due state, according to the  
ordinance of the aforesaid and of our provision of

5. And because elections ought to be free, the king commandeth upon great forfeiture, that no man by force of arms, nor by malice, or menacing, shall disturb any to make free election.

\* \* \* \* \*

36. Forasmuch as before this time, reasonable aid to make one's son knight, or to marry his daughter, was never put in certain, nor how much should be taken, nor at what time, whereby some levied unreasonable aid, and more often than seemed necessary, whereby the people were sore grieved; it is provided, that from henceforth of a whole knight's fee there be taken but twenty shillings, and of twenty-pound land holden in socage, twenty shillings; and of more, more; and of less, less; after the rate. And that none shall levy such aid to make his son knight, until his son be fifteen years of age, nor to marry his daughter, until she be of the age of seven years. And of that there shall be made mention in the king's writ, formed on the same, when any will demand it. And if it happen that the father, after that he hath levied such aid of his tenants, die before he hath married his daughter, the executors of the father shall be bound to the daughter, for so much as the father received for the aid. And if the father's goods be not sufficient, his heir shall be charged therewith unto the daughter.

\* \* \* \* \*



## 38. Grant of Customs on Wool, Woolfells, and Leather

(May, 1275. Latin text, Stubbs, *S. C.* 451. Translation by Editors. 2 Stubbs, 113, 550.)

**W**ILLIAM of Valence, earl of Pembroke, to all the faithful in Christ to whom the present writ shall come, Greeting in the Lord.

Since the archbishops, bishops, and other prelates of the realm of England, and the earls, barons, and we and the communities of the said realm, at the instance and request of the merchants, have for many reasons, unanimously granted to the great prince and lord, our well-beloved lord Edward, by the grace of God, the illustrious king of England, for us and our heirs, a half mark from each sack of wool, and a half mark from each three hundred woolfells, which make a sack, and one mark from each last of leather, exported from the realm of England and the land of Wales, to be

...leather, exported if  
collected by the hand of the wardens  
saving to us the forfeiture of those w  
rant of the said lord the king, by his  
seal for this provided, shall have presi  
wool, woolfells, or leather of this sort,  
have liberties. From which the afore  
heirs shall receive and have the half m  
fells and the mark from the lasts of lea  
nevertheless so that in each of our p  
aforesaid lord the king do not run, two  
faithful men of those ports shall be ch  
the merchants of the aforesaid wool,  
have his warrant for it under the seal o  
provided, shall faithfully collect the cus  
fells, and leather, seized in the said por  
for the use of the said lord the king a  
them.

In testimony whereof, we have set ou  
Given in the general parliament of the  
Westminster on Sunday the feast of Sai  
the third year of the reign of the said ki



### 39. Writ for Distraint

(June, 1278. Latin text, Stubbs, *S. C.* 45;  
2 Stubbs, 115, 221, 2

THE king to the

delay, distrain all those from your bailiwick who have twenty pound lands or a whole knight's fee worth twenty pounds a year, from whomsoever they hold, and ought to be knights and are not, that they receive insignia of the same sort at the same feast or before : so that you receive from the same good and sufficient security for it, and cause the names of all of them to be written down in a roll upon the attestation of two lawful knights of the aforesaid county, and to be transmitted to us, without delay, under your seal and the seals of the two knights. And we will you to know that we will make prompt visitation upon your action in the execution of this order of ours, and thereupon we shall cause suitable remedy to be made for it.

Witness the king at Westminster, the twenty-sixth day of June.

---

#### 40. Statute of Mortmain or De Religiosis

(November, 1279. Latin text, 1 *S. R.* 51, Stubbs, *S. C.* 458. Translation, 1 *S. R.* 51, G. and H. 81. 2 Stubbs, 117.)

**T**HE king to his justices of the bench, Greeting.

Where of late it was provided, that religious men should not enter into the fees of any without licence and will of the chief lords, of whom such fees be holden immediately ; and notwithstanding such religious men have since entered as well into their own fees, as into the fees of other men, appropriating and buying them, and sometimes receiving them of the gift of others, whereby the services that are due of such fees, and which at the beginning were provided for defence of the realm, are wrongfully withdrawn, and the chief lords do lose their escheats of the same : we therefore, to the profit of our realm, intending to provide convenient remedy, by the advice of our prelates, earls, barons, and other our subjects, being of our council, have provided, established, and ordained, that no person, religious or other, whatsoever he be, presume to buy or sell, or under the color of gift or lease, or by reason of any other title, whatsoever it be, to receive of any man, or by any other craft or device to appropriate to himself any lands or tenements under pain of forfeiture of the same whereby such lands or tenements may any wise come into mortmain. We have provided also, that if any person, religious or other, do presume in any manner either by craft or device to offend against this statute, it shall be lawful to us and other chief lords of the fee

... and the chief lords of such fees  
four seas, and out of prison, be neglected  
for the space of one year, we, immediately  
perished, from the time that such purchase  
may be made, shall take such lands  
and shall infeoff other therein by certificate  
the same to us for the defence of our  
lords of the same fees their wards and  
to them belonging, and the services forfeit  
tomed. And therefore we command  
said statute to be read before you, and  
firmly and observed.

Witness myself at Westminster the  
the seventh year of our reign.

---

## 41. The Statute of Merc Burnell

(October, 1283. French text and translation)

**F**ORASMUCH as merchants, which  
goods to divers persons, be greatly  
is no speedy law provided for them to  
at the day of payment assigned; and  
merchants do refrain to come into this  
disorder, to the damage as well of the  
realm; the king by himself and his  
council.

said clerk shall make with his own hand a bill obligatory, whereunto the seal of the debtor shall be put, with the king's seal, that shall be provided for the same purpose, the which seal shall remain in the keeping of the mayor and clerk aforesaid : and if the debtor doth not pay at the day to him limited, the creditor may come before the said mayor and clerk with his bill obligatory ; and if it be found by the roll, and by the bill, that the debt was acknowledged, and that the day of payment is expired, the mayor shall incontinent cause the movables of the debtor to be sold, as far as the debt doth amount, by the appraising of honest men, as also chattels, and burgages devisable, until the whole sum of the debt ; and the money, without delay, shall be paid to the creditor. And if the mayor can find no buyer, he shall cause the movables to be delivered to the creditor at a reasonable price, as much as doth amount to the sum of the debt, in allowance of his debt : and the king's seal shall be put unto the sale and deliverance of the burgages devisable for a perpetual witness. And if the debtor have no movables within the jurisdiction of the mayor, whereupon the debt may be levied, but hath some otherwhere within the realm, then shall the mayor send the recognizance, made before him and the clerk aforesaid, unto the chancellor, under the seal aforesaid ; and the chancellor shall direct a writ unto the sheriff, in whose bailiwick the movables of the debtor be, and the sheriff shall cause the creditor to be satisfied in such form as it is prescribed that the mayor should have done in case that the movables of the debtor had been within his power ; and let them that shall appraise the movable goods, to be delivered unto the creditor, take good heed that they do set a just and reasonable price upon them ; for if they do set an over high price for favor borne to the debtor, and to the damage of the creditor, then shall the thing so appraised be delivered unto themselves at such price as they have limited, and they shall be forthwith answerable unto the creditor for his debt. And if the debtor will say, that his movable goods were delivered or sold for less than they were worth, yet shall he have no remedy thereby ; forasmuch as the mayor or the sheriff hath sold the movable goods lawfully to him that offered most ; for he may blame himself, that before the day of the suit he had it in his power to have sold his movable goods, and to have levied the money with his own hand, and yet he would not. And if the debtor have no movables whereupon the debt may be levied, then shall his body be taken where it may be found, and kept in prison until that he have made agreement, or his friends for him ; and if he have not of his own wherewith he may sustain himself in prison,



...and then those pledges or mainpernors, the mayor and clerk abovesaid, and shall bindings and recognizances, as afore is said of like manner if the debt be not paid at the execution shall be awarded against the pledges afore is said of the debtor; provided nevertheless the debt may be fully taken and levied of the debtor, the mainpernors or pledges shall notwithstanding, for default of movable goods the creditor shall have his recovery against the mainpernors in such manner and form as before is limited against the debtor.

And to defray the charge of the aforesaid execution shall take out of every pound one penny. This ordinance shall be holden from henceforth in every part of the realm of England, among all persons whosoever shall freely choose to make such recognizance or pledge, to whom this statute extendeth not.

And by this statute a writ of debt shall not be granted by the chancellor, barons of the exchequer, justices of the other, and justices errants, shall not be granted for recognizances of debts of those who shall choose to make them; but the execution of recognizances before made shall be made according to the form aforesaid, but in the same usage, and manner heretofore used.

Given at Acton Burnell, the twelfth day of the eleventh year of our reign.

## 42. The Statutes of Westminster; the Second

(June, 1285. Latin text and translation, 1 *S. R.* 71. 2 Stubbs, 122. Clause I., here given, is known as *De donis conditionalibus*.)

\* \* \* **O**UR lord the king in his parliament, after the feast of Easter, holden the thirteenth year of his reign at Westminster, \* \* \* did provide certain acts, as shall appear here following.

First, Concerning lands that many times are given upon condition, that is to wit, where any giveth his land to any man and his wife, and to the heirs begotten of the bodies of the same man and his wife, with such condition expressed that if the same man and his wife die without heir of their bodies between them begotten, the land so given shall revert to the giver or his heir: In case also where one giveth lands in free marriage, which gift hath a condition annexed, though it be not expressed in the deed of gift, which is this, that if the husband and wife die without heir of their bodies begotten, the land so given shall revert to the giver or his heir: in case also where one giveth land to another, and the heirs of his body issuing; it seemed very hard, and yet seemeth to the givers and their heirs, that their will being expressed in the gift, was not heretofore, nor yet is observed: for in all the cases aforesaid, after issue begotten and born between them, to whom the lands were given under such condition, heretofore such feoffees had power to aliene the land so given, and to disherit their issue of the land, contrary to the minds of the givers, and contrary to the form expressed in the gift: and further, when the issue of such feoffee is failing, the land so given ought to return to the giver, or his heir, by form of the gift expressed in the deed though the issue, if any were, had died: yet by the deed and feoffment of them, to whom land was so given upon condition, the donors have heretofore been barred of their reversion, which was directly repugnant to the form of the gift: wherefore our lord the king, perceiving how necessary and expedient it should be to provide remedy in the aforesaid cases, hath ordained, that the will of the giver, according to the form in the deed of gift manifestly expressed, shall be from henceforth observed; so that they to whom the land was given under such condition, shall have no power to aliene the land so given, but that it shall remain unto the issue of them to whom it was given after their death, or unto the giver or his heirs, if issue fail either by reason that there

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issue at all, or if any issue be, it fail by death, the heir of the issue failing. Neither shall the second husband of any such woman, from henceforth, have any thing in the land so given, on condition, after the death of his wife, by the law of England; but the issue of the second husband and wife shall succeed in the land, but immediately after the death of the husband and wife, to whom the land was so given, it shall return to their issue, or to the giver, or his heir, as before is said. \* \* \* And it is enacted, that this statute shall hold place touching alienation of lands, contrary to the form of the gift hereafter to be made, and shall extend to gifts made before. And if a fine be levied hereupon such lands, it shall be void in the law; neither shall the heirs, or such as the reversion belongeth unto, though if they be of full age, within England, and out of prison, need to make claim. \* \* \*

### IV.

And whensoever from henceforth it shall fortune in the chancery, that in one case a writ is found, and in like case falling under the like law, and requiring like remedy, is found none, the judges of the chancery shall agree in making the writ, or shall refer the plaintiffs until the next parliament and write the case; and if they cannot agree, and refer them to the next parliament.

ain hath been limited for their concealment and laches; our  
rd the king, for to abate the power of felons, hath established a  
in in this case, so that from henceforth, for fear of the pain more  
an for fear of any oath, they shall not spare any nor conceal any  
lonies; and doth command that cries be solemnly made in all  
unties, hundreds, markets, fairs, and all other places where great  
sort of people is, so that none shall excuse himself by ignorance,  
at from henceforth every country be so well kept that immedi-  
ely upon such robberies and felonies committed fresh suits shall  
made from town to town and from country to country.

2. Likewise when need requires, inquests shall be made in  
wns by him that is lord of the town, and after in the hundred  
d in the franchise and in the county, and sometimes in two,  
ree, or four counties, in case when felonies shall be committed  
the marches of shires, so that the offenders may be attainted.

nd if the country will not answer for such manner of offenders,  
e pain shall be such, that every country, that is to wit, the  
eople dwelling in the country, shall be answerable for the rob-  
eries done and also the damages: so that the whole hundred  
here the robbery shall be done, with the franchises being within  
he precinct of the same hundred, shall be answerable for the rob-  
eries done. And if the robbery be done in the division of two  
hundreds, both the hundreds and the franchises within them shall  
be answerable; and after that the felony or robbery is done, the  
country shall have no longer space than forty days, within which  
forty days it shall behoove them to agree for the robbery or offence,  
or else that they will answer for the bodies of the offenders.

3. And forasmuch as the king will not that his people should  
be suddenly impoverished by reason of this penalty, that seemeth  
very hard to many, the king granteth that it shall not be incurred  
immediately, but it shall be respited until Easter next following,  
within which time the king may see how the country will order  
themselves, and whether such felonies and robberies do cease.  
After which term let them all be assured that the aforesaid penalty  
shall run generally; that is to say, every country, that is to wit,  
the people in the country, shall be answerable for felonies and  
robberies done among them.

4. And for the more surety of the country, the king hath com-  
manded that in great towns being walled, the gates shall be closed  
from the sun-setting until the sun-rising; and that no man do  
lodge in suburbs, nor in the edges of the town, except in the day-  
time, nor yet in the day-time, unless his host will answer for him;  
and the bailiffs of towns every week, or at the least every fifteenth

every city by six men at every gate ; in  
 men ; in every town, by six or four, according  
 the inhabitants of the town, and they shall  
 continually all night from the sun-setting until  
 if any stranger do pass by them he shall be  
 ing ; and if no suspicion be found he shall  
 find cause of suspicion, they shall forthwith  
 sheriff, and the sheriff shall receive him and  
 keep him safely, until he be delivered in  
 they will not obey the arrest, they shall  
 them, and such as keep the watch shall for  
 town and the towns near, with hue and cry  
 until that they be taken and delivered to the  
 said ; and for the arrestments of such shall  
 punished.

5. And further, it is commanded that between  
 one market town to another shall be enclaves  
 hedges, or dykes be, so that there be neither  
 nor bush whereby a man may lurk to do harm  
 within two hundred foot of the one side and  
 the other side ; so that this statute shall not  
 unto great trees, so as it shall be clear unto  
 default of the lord that will not abate the  
 bushes, in the manner aforesaid, any robber  
 the lord shall be answerable for the felony ; and  
 the lord shall make a fine at the king's pleasure  
 not able to fell the underwoods, the country  
 And the king willeth that in his demesne lands  
 his forest and without

every man between fifteen years of age and sixty years, shall be assessed and sworn to armor according to the quantity of their lands and goods; that is to wit, for fifteen pounds lands, and for forty marks, an hauberke, an helm of iron, a lance, a horse; and for ten pounds of lands, and twenty marks an hauberke, an helme of iron, a lance, and a knife; and for five pound lands, a doublet, an helme of iron, a lance, and a horse; and from forty shillings of land and more up to one hundred shillings, a lance, a bow and arrows, and a knife; and he that has less than forty shillings yearly shall be sworn to *falces, gisarmes*, and other small arms; and he that hath less than twenty pounds in goods, shall have swords, knives, and other small arms; and other that may shall have bows and arrows out of the forest in the forest bows and pilets. And that view of armor be taken every year two times. And in every hundred and franchise tithings shall be chosen to make the view of armor; and the tithings aforesaid shall present before justices assigned, when they shall come into the country, such defaults as they shall have about armor, and of suits, and of watches, and of highways; and they shall present all such as do lodge strangers in uplandish houses for whom they will not answer. And the justices assigned shall present at every parliament unto the king such defaults as they shall find, and the king shall provide remedy therein. And henceforth let the sheriffs take good heed, and bailiffs within counties and without, greater or lesser, that have any bailiwick or tithing in fee or otherwise, that they shall follow the cry with diligence, as they are able, having horses and armor so to do; and where there be any that do not, the defaults shall be presented by the tithings to the justices assigned, and after by them to the king, and the king will provide remedy as before is said. And the king commandeth and forbiddeth that from henceforth neither fairs or markets be kept in churchyards, for the honor of the

made at Winchester, the eighth of October, in the thirteenth year of the reign of the king.

THE king to such and such judges  
See that ye act circumspectly  
bishop of Norwich and his clergy, in  
shall hold pleas in the court Christian c  
are merely spiritual, to wit : — concer  
ates inflict for deadly sin, to wit, fo  
such like, for which, sometimes corpo  
and sometimes pecuniary, especially if  
such things.

Item if a prelate impose a penalty :  
yard, leaving the church uncovered or  
in which cases no other than a pecunia

Item if a rector demand the greater  
the fourth part of any church be not de

Item if a rector demand a mortuary :  
has been usually given.

Item if a prelate of any church de  
rector as due to him : — all such dema  
ecclesiastical court.

Concerning laying violent hands on  
defamation, it has been granted formerly  
held in the court Christian, provided  
but proceedings may be taken for the  
likewise for breach of faith. In all th  
judge has to take cognizance, the king's  
ing, although it be put forward.

Wherefore laymen generally obtain a  
tions. mortuaries

## The Statutes of Westminster; the Third 81

in the barn, or being elsewhere, and be impleaded in the court Christian, the royal prohibition has place, for by reason of sales, spiritual things are temporal, and then tithes pass into chattels.

Item if dispute arise concerning the right of tithes, having its origin in the right of patronage, and the quantity of these tithes exceeds the fourth part of the church, the king's prohibition has place.

Item if a prelate impose pecuniary penalty on any one for sin, and demand the money, the king's prohibition has place, if the money is exacted before prelates.

Item if any one shall lay violent hands on a clerk, amends must be made for a breach of the peace of the lord the king, before the king, and for excommunication before the bishop; and if corporal penalty be imposed which, if the defendant will, he may redeem by giving money to the prelate or person injured, neither in such cases is there place for prohibition.

In defamations of freemen let the prelates correct, the king's prohibition notwithstanding, although it be tendered.

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### 45. The Statutes of Westminster; the Third : Quia Emptores

(July, 1290. Latin text, 1 *S. R.* 106, Stubbs, *S. C.* 478. Translation, 1 *S. R.* 106. 2 Stubbs, 126, 259.)

1. FORASMUCH as purchasers of lands and tenements of the fees of great men and others, have many times heretofore entered into their fees, to the prejudice of the lords, to which purchasers the freeholders of such great men and others have sold their lands and tenements to be holden in fee to them and their heirs of their feoffers, and not of the chief lords of the fees, whereby the same chief lords have many times lost their escheats, marriages, and wardships of lands and tenements belonging to their fees; which thing seemed very hard and extreme unto those great men and other lords, and moreover in this case manifest disheritance: our lord the king, in his parliament at Westminster after Easter, the eighteenth year of his reign, that is to wit, in the quinzime of Saint John the Baptist, at the instance of the great men of the realm, granted, provided, and ordained, that from henceforth it shall be lawful to every freeman to sell at his own pleasure his lands and tenements, or part of them; so that the feoffee shall



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the same lands or tenements of the same chief lord, and by the same services and customs as his feoffor held before.

And if he shall sell any part of such lands or tenements to a feoffee shall immediately hold it of the chief lord, and forthwith charged with the services, for so much as pertains or ought to pertain to the said chief lord for the same according to the quantity of the land or tenement sold. In this case the same part of the service shall cease to be due to the chief lord by the hands of the feoffor, from the time the feoffee ought to be attendant and answerable to the same lord, according to the quantity of the land or tenement sold, and the parcel of the service so due.

And it is to be understood, that by the said sales or purchases of lands or tenements, or any parcels of them, such lands or tenements shall in no wise come into mortmain, either in part or whole, neither by policy nor craft, contrary to the form of the statute made thereupon of late. And it is to wit, that this statute extendeth but only to lands sold to be holden in fee simple; and it extendeth to the time coming; and it shall begin to have effect at the feast of Saint Andrew the apostle next coming.

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the English language altogether from the earth, if his power should correspond to the detestable proposition of the contemplated injustice, which God forbid. Because, therefore, darts seen beforehand do less injury, and your interest especially, as that of the rest of the citizens of the same realm, is concerned in this affair, we command you, strictly enjoining you in the fidelity and love in which you are bound to us, that on the Lord's day next after the feast of St. Martin, in the approaching winter, you be present in person at Westminster; citing beforehand [præmunientes] the dean and chapter of your church, the archdeacons and all the clergy of your diocese, causing the same dean and archdeacons in their own persons, and the said chapter by one suitable proctor, and the said clergy by two, to be present along with you, having full and sufficient power from the same chapter and clergy, to consider, ordain and provide, along with us and with the rest of the prelates and principal men and other inhabitants of our kingdom, how the dangers and threatened evils of this kind are to be met. Witness the king at Wingham, the thirtieth day of September.

*Identical summons were sent out to the two archbishops and eighteen bishops, and, with the omission of the last paragraph, to seventy abbots.*

*Summons of the Barons*

The king to his beloved and faithful relative, Edmund, Earl of Cornwall, greeting. Because we wish to have a consultation and meeting with you and with the rest of the principal men of our kingdom, as to provision for remedies against the dangers which in these days are threatening our whole kingdom; we command you, strictly enjoining you in the fidelity and love in which you are bound to us, that on the Lord's day next after the feast of St. Martin, in the approaching winter, you be present in person at Westminster, for considering, ordaining and doing along with us and with the prelates, and the rest of the principal men and other inhabitants of our kingdom, as may be necessary for meeting dangers of this kind.

Witness the king at Canterbury, the first of October.

*Similar summons were sent to seven earls and forty-one barons.*

*Summons of Representatives of the Counties and Boroughs*

The king to the sheriff of Northamptonshire. Since we intend to have a consultation and meeting with the earls, barons and other principal men of our kingdom with regard to providing remedies against the dangers which are in these days threatening

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kingdom ; and on that account have commanded them  
h us on the Lord's day next after the feast of St. Martin  
proaching winter, at Westminster, to consider, ordain, and  
ay be necessary for the avoidance of these dangers ; we  
quire you to cause two knights from the aforesaid county.  
ens from each city in the same county, and two burgesses  
h borough, of those who are especially discreet and capa-  
boring, to be elected without delay, and to cause them to  
us at the aforesaid time and place.

ver, the said knights are to have full and sufficient power  
elves and for the community of the aforesaid county, and  
citizens and burgesses for themselves and the communities  
oresaid cities and boroughs separately, then and there for  
at shall then be ordained according to the common coun  
premises ; so that the aforesaid business shall not remai  
d in any way for defect of this power. And you shall hav  
e names of the knights, citizens and burgesses and c

as the king at Canterbury on the third day of October.  
*al summons were sent to the sheriffs of each county.*

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transient peace, fearing more to offend the temporal majesty than the eternal, acquiesce in such abuses, not so much rashly as improvidently, authority or licence of the Apostolic See not having been obtained. We therefore desirous of preventing such wicked actions, do, with apostolic authority decree, with the advice of our brethren, that whatsoever prelates and ecclesiastical persons, religious or secular, of whatsoever orders, condition or standing, shall pay or promise or agree to pay to lay persons collections or taxes for the tithe, twentieth, or hundredth of their own rents, or goods, or those of the churches, or any other portion, proportion, or quantity of the same rents, or goods, at their own estimate or value, under the name of aid, loan, relief, subsidy, or gift, or by any other title, manner, or pretext demanded, without the authority of the same see.

And also whatsoever emperors, kings, or princes, dukes, earls, or barons, powers, captains, or officials, or rectors, by whatsoever names they are reputed, of cities, castles, or any places whatsoever, wheresoever situate, and all others of whatsoever rank, pre-eminence or state, who shall impose, exact, or receive the things aforesaid, or arrest, seise, or presume to occupy things anywhere deposited in holy buildings, or to command them to be arrested, seised, or occupied, or receive them when occupied, seised, or arrested, and also all who knowingly give aid, counsel, or favor, openly or secretly, in the things aforesaid, by this same should incur sentence of excommunication. Universities, too, which may have been to blame in these matters, we subject to ecclesiastical interdict.

The prelates and ecclesiastical persons above mentioned we strictly command, in virtue of their obedience, and under pain of deposition, that they in no wise acquiesce in such things without express licence of the said see, and that they pay nothing under pretext of any obligation, promise, and acknowledgement whatsoever, made so far, or in progress heretofore, and before such constitution, prohibition, or order come to their notice, and that the seculars aforesaid do not in any wise receive it, and if they do pay, or the aforesaid, let them fall under sentence of excommunication by the very deed.

Moreover let no one be absolved from the aforesaid sentences of excommunication and interdict, save at the moment of death, without authority and special licence of the Apostolic See, inasmuch as it is part of our intention that such a terrible abuse of secular powers should not in any wise pass under dissimulation, any privileges whatsoever notwithstanding, in whatsoever tenors,

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nodes, or arrangement of words, conceded to emperors,  
the others aforesaid; against which premises aforesaid  
aid be given by no one, and by no persons in any

then be lawful to none at all to infringe this page of our  
on, prohibition, or order, or to gainsay it by any ras  
and if any one presume to attempt this, let him know  
incur the indignation of Almighty God, and of his  
saints Peter and Paul.

at Rome in Saint Peter's on the twenty-fourth of Feb  
the second year of our pontificate.

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### 48. Confirmatio Cartarum

297. French text and translation, 1 *S. R.* 123, Stubbs, *S.*  
494-496 2 Stubbs, 146.)

ED, by the grace of God, king of England, lord of  
Ireland, and duke of Guyenne, to all those that these present  
shall hear or see, Greeting.

Forasmuch as we have received the petition of the  
for the honor of God, and of holy Church,

3. And we will, that the same charters be sent, under our seal, cathedral churches throughout our realm, there to remain, and all be read before the people two times by the year.

4. And that all archbishops and bishops shall pronounce the sentence of great excommunication against all those that by deed, or counsel do contrary to the foresaid charters, or that in any way break or undo them. And that the said curses be twice a year denounced and published by the prelates aforesaid. And if the same prelates, bishops, or any of them be remiss in the denunciation of the said sentences, the archbishops of Canterbury and London for the time being, as is fitting, shall compel and distrain them to make that denunciation in form aforesaid.

5. And for so much as divers people of our realm are in fear, of the aids and tasks which they have given to us beforetime towards our wars and other business, of their own grant and good will, howsoever they were made, might turn to a bondage to them and their heirs, because they might be at another time found in the rolls, and so likewise the prises taken throughout the realm by our ministers in our name; we have granted for us and our heirs, that we shall not draw such aids, tasks, nor prises into a custom, for any thing that hath been done heretofore, or that may be found by roll or in any other manner.

6. Moreover we have granted for us and our heirs as well to archbishops, bishops, abbots, priors, and other folk of holy Church, as also to earls, barons, and to all the commonalty of the land, that for no business from henceforth we shall take of our realm in any manner of aids, tasks, nor prises, but by the common assent of all the realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed.

And for so much as the more part of the commonalty of the realm find themselves sore grieved with the maletote of wools, that is to wit, a toll of forty shillings for every sack of wool, and have made petition to us to release the same; we at their requests have clearly released it, and have granted that we will not take such thing nor any other without their common assent and good will; saving to us and our heirs the custom of wools, skins, and leather, granted before by the commonalty aforesaid. In witness of which things we have caused these our letters to be made patents.

Witness Edward our son at London the tenth day of October, the five and twentieth year of our reign.

And be it remembered that this same charter, in the same terms, word for word, was sealed in Flanders under the king's great seal,

that is to say, at Ghent the fifth day of November in the twenty-fifth year of the reign of our aforesaid lord the king, and sent into England.

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## 49. De Tallagio non Concedendo

(1297. Latin text, 1 *S. R.* 125, Stubbs, *S. C.* 497. Translation, 1 *S. R.* 125.  
2 Stubbs, 148, 545.)

1. No tallage or aid shall be laid or levied by us or our heirs in our realm, without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of our realm.

2. No officer of ours, or of our heirs, shall take corn, wool, leather, or any other goods, of any manner of person, without the good will and assent of the party to whom the goods belonged.

3. Nothing from henceforth shall be taken in the name or by occasion of maletote.

4. We will and grant for us and our heirs, that all clerks and laymen of our land shall have all their laws, liberties, and free customs, as largely and wholly as they have used to have the same at any time when they had them best and most fully; and if any statutes have been made by us or our ancestors, or any customs brought in contrary to them, or any manner of article contained in this present charter, we will and grant, that such manner of statutes and customs shall be void and frustrate for evermore.

5. Moreover, we have pardoned Humphrey Bohun earl of Hereford and Essex, constable of England, Roger Bigod, earl of Norfolk and Suffolk, marshal of England, and other earls, barons, knights, esquires, and namely John of Ferrers, with all other being of their fellowship, confederacy, and bond, and also to all other that hold twenty pound land in our realm, whether they hold of us in chief, or of other, that were appointed at a day certain to pass over with us into Flanders, the rancor and ill-will which for the aforesaid causes we conceived against them, and all other offences, if any, that they have done against us or ours unto the making of this present charter.

6. And for the more assurance of this thing, we will and grant, for ourselves and our heirs, that all archbishops and bishops for ever in their cathedral churches, this present charter being first read, shall excommunicate, and publicly in the several parish churches of their dioceses, shall cause to be excommunicated, or

to be declared excommunicated twice in the year, all those that willingly do or procure to be done any thing contrary to the tenor, force, and effect of this present charter in any point and article. In witness of which thing we have set our seal to this present charter, together with the seals of the archbishops, bishops, earls, barons, and others which voluntarily have sworn that, as much as in them is, they shall observe the tenor of this present charter in all causes and articles, and shall extend their faithful aid to the keeping thereof forever.

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## 50. The Statute of Carlisle

(March, 1307. Latin text and translation, 1 *S. R.* 150. G. and H. 92.  
2 Stubbs, 163.)

OF late it came to the knowledge of our lord the king, by the grievous complaint of the honorable persons, lords, and other noblemen of his realm, that whereas monasteries, priories, and other religious houses were founded to the honor and glory of God, and the advancement of the holy Church, by the king and his progenitors, and by the said noblemen and their ancestors, and a very great portion of lands and tenements have been given by them to the said monasteries, priories, and houses, and the religious men serving God in them, to the intent that clerks and laymen might be admitted in such monasteries, priories, and religious houses, according to their sufficient ability, and that sick and feeble men might be maintained, hospitality, almsgiving, and other charitable deeds might be exercised and done in them for the souls of the said founders and their heirs; the abbots, priors, and governors of the said houses, and certain aliens their superiors, as the abbots and priors of the Cluniacs, Cistercians, and Premonstratensians, and of the orders of Saint Augustine, and Saint Benedict, and many more of other religion and order, have newly appointed to be made, and at their own pleasure ordained divers unwonted, heavy, and intolerable tallages, payments, and impositions upon every of the said monasteries and houses in subjection unto them in England, Ireland, Scotland, and Wales, without the privity of our lord the king and his nobility, contrary to the laws and customs of the said realm; and thereby the number of religious persons, and other servants in the said houses and religious places being oppressed by such tallages, payments, and impositions, the service of God is diminished; alms are withheld from



... have ensued, and are still like  
heritance of the founders of the said houses,  
speedy and sufficient remedy be provided  
grievous detriments: wherefore our fores  
sidering that it would be very prejudicial  
if he should any longer suffer so great los  
winked at, and therefore being willing to m  
monasteries, priories, and other religious hou  
in his kingdom, and in all lands subject to  
ing to the will and pious wishes of their foun  
forth to provide sufficient remedy to reform  
he is bound, by the counsel of his earls, b  
other nobles and of the commons of his ki  
ment holden at Westminster, on the Sunday  
of Saint Matthias the apostle, in the three :  
his reign, did ordain and enact :

2. "That no abbot, prior, master, warder  
person, of whatsoever condition, state or religio  
the king's power or jurisdiction, shall by hims  
or others, secretly or openly, by any art or d  
or by any means cause to be sent, any tax im  
priors, masters, or wardens of religious hou  
superiors, or in any way assessed among the  
kingdom and his dominion, under the nam  
tribute, or any kind of imposition, or otherw  
exchange, sale, loan or other contract ho  
termed ; neither shall depart into any other c  
or upon any other color, by that means to  
their monasteries and houses

dominion be subject, that they do not at any time hereafter impose, or by any means assess any tallages, payments, impositions, tributes, or other burdens whatsoever, upon the monasteries, priories, or other religious houses in subjection unto them as is aforesaid; and that upon forfeiture of all that they have in their power, and can forfeit in future."

4. And further, our lord the king hath ordained and established that the abbots of the orders of Cistercians and Premonstratensians, and other religious orders, whose seal hath heretofore been used to remain only in the custody of the abbot, and not of the convent, shall hereafter have a common seal, and shall deposit the same in the custody of the prior of the monastery or house, and four of the most worthy and discreet men of the convent of the same house, to be laid up in safe keeping under the private seal of the abbot of the same house; so that the abbot, or superior of the house which he doth govern, shall by no means be able of himself to establish any contract or obligation, as heretofore he hath used to. And if it fortune hereafter, that writings obligatory of donations, purchases, sales, alienations, or of any other contracts, be found sealed with any other seal than such a common seal kept as is aforesaid, they shall be adjudged void and of no force in law. But it is not the meaning of our lord the king to exclude the abbots, priors, and other religious, aliens, by the ordinances and statutes aforesaid, from executing their office of visitation in his kingdom and dominion; but they may visit at their pleasures, by themselves or others, the monasteries and other places in his kingdom and dominion in subjection unto them, according to the duty of their office, in those things only that belong to regular observation and the discipline of their order. Provided, that they which shall execute this office of visitation, shall carry, or cause to be carried out of his kingdom and dominion, none of the goods or things of such monasteries, priories, and houses, saving only their reasonable and competent charges.

And though the publication and open notice of the ordinances and statutes aforesaid was stayed in suspense, for certain causes, since the last parliament, until this present parliament holden at Carlisle in the octaves of Saint Hilary, in the five and thirtieth year of the reign of the same king Edward, and to the intent that they might proceed with greater deliberation and advice; our lord the king, after full conference and debate had with his earls, barons, nobles, and other great men and the commons of his kingdom, touching the premises, by their whole consent and agreement hath ordained and enacted, that the ordinances and statutes aforesaid,

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the manner, form, and conditions aforesaid, from the first day next ensuing, shall henceforward be inviolably observed for ever, and the offenders of them shall thenceforth be subjected to the pains prescribed.

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### 51. The New Ordinances

1311. French text and translation, 1 S. R. 157. 2 Stubbs, 344. (The original ordinances form the first six articles of the New Ordinances.)

HENRY by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to all to whom these letters shall come, greeting. Know ye that whereas on the sixteenth day of June in the third year of our reign, to the honor of God, and for the profit of us and of our realm, we did grant of our free will by letters patent to the prelates, earls, and barons of our said realm, that they might choose certain persons of the prelates, earls, and barons, whom they should see fit to call unto them; and we did grant, by the same letters, to those who should be chosen, that they should be, by the said prelates, earls, and barons,

the honor of God and of holy Church, and to the honor of the king and of his realm, in the manner which followeth :

\* \* \* \* \*

4. Moreover, it is ordained, that the customs of the realm be kept and received by people of the realm, and not by aliens; and that the issues and profits of the same customs, together with all other issues and profits of the realm arising from any matters whatsoever, shall come entirely to the king's exchequer, and by the treasurer and the chamberlains shall be delivered, to maintain the household of the king, and otherwise to his profit, so that the king may live of his own, without taking prises other than those anciently due and accustomed; and all others shall cease.

\* \* \* \* \*

9. Forasmuch as the king ought not to undertake deed of war against any one, nor to go out of his realm, but by common assent of his baronage, for the many perils that may happen to him and his realm, we do ordain, that the king henceforth shall not go out of his realm, nor undertake against any one deed of war, without the common assent of his baronage, and that in parliament. And if he otherwise do, and upon such enterprise cause to be summoned his service, such summons shall be for none; and if it happen that the king undertake deed of war against any one, or go out of the realm, with the assent of his said baronage, and it be necessary that he appoint a guardian in his realm, then he shall appoint him with the common assent of his baronage, and that in parliament.

\* \* \* \* \*

11. Also, new customs have been levied, and the old enhanced, as upon wools, cloths, wines, *avoir de pois*, and other things, whereby the merchants come more seldom, and bring fewer good into the land, and the foreign merchants abide longer than they were wont to do, by which abiding things become more dear than they were wont to be, to the damage of the king and his people; we do ordain, that all manner of customs and imposts levied since the coronation of king Edward, son of king Henry, be entirely put out, and altogether extinguished for ever, notwithstanding the charter which the said king Edward made to the merchants aliens, because the same was made contrary to the Great Charter and the franchise of the city of London, and without the assent of the baronage; and if any, of whatsoever condition he be, do take or levy any thing beyond the ancient

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oms due and rightful, or make disturbance, whereby 1  
hants cannot of their goods do their will, and therof  
nted, there shall be awarded to the plaintiffs their damage  
ng regard to the purchase, to the suit, to the costs and loss  
h they shall have had, and to the violation of the Gre  
rter; and the trespasser shall be imprisoned according to th  
tity of the trespass, and according to the discretion of th  
ces, and he shall never be in the king's service; savin  
ertheless to the king the customs of wools, woolfells, an  
er, that is to say, for each sack of wool, half a mark, an  
three hundred woolfells, half a mark, and for a last of leathe  
mark, if the goods be liable thereto: and henceforth me  
ts strangers shall come, abide, and go according to the ancies  
oms, and according to that which of old they were wont to de

• • • • •

. And forasmuch as many evils have come to pass by suc  
sellors and such ministers, we do ordain that the king d  
the chancellor, chief justice of the one bench and the other  
treasurer, the chancellor and chief baron of the exchequer  
steward of his household, the keeper of his wardrobe, an  
troller and a fit clerk to keep the privy seal, a chief keepe  
forests on this side of Trent, and another on the other sid

29. \* \* \* : We do ordain, that the king shall hold a parliament once in the year, or twice, if need be, and that in a convenient place: \* \* \*

\* \* \* \* \*

32. Forasmuch as the law of the land and common right are often delayed, by letters issued under the king's privy seal, to the great grievance of the people, we do ordain, that from henceforth the law of the land and common right be not delayed nor disturbed by letters of the said seal; and if any thing be done in any of the places of the court of our lord the king, or elsewhere, by such letters issued under the privy seal against right or the law of the land, it shall avail nothing, and be holden for none.

\* \* \* \* \*

\* \* \* Given at London, the fifth day of October, in the fifth year of our reign.



## 52. Articuli Cleri

(November, 1316. Latin text and translation, 1 *S. R.* 171. 2 Stubbs, 356.)

**T**HE king to all to whom, &c., Greeting.

Understand ye, that whereas \* \* \* : and of late in our parliament holden at Lincoln, the ninth year of our reign, we caused the articles underwritten, with certain answers made to some of them heretofore, to be rehearsed before our council, and made certain answers to be corrected; and to the residue of the articles underwritten, answers were made by us and our council; of which said articles, with the answers of the same, the tenors here ensue.

\* \* \* \* \*

6. Also if any cause or matter, the knowledge whereof belongeth to a court spiritual, and shall be definitively determined before a spiritual judge, so that it pass into a judgment, nor was not in suspense by an appeal; and after, if upon the same thing a question is moved before a temporal judge between the same parties, and it be proved by witness or instruments, such an exception is not to be admitted in a temporal court. The answer. When any one case upon different grounds, is debated before judges spiritual and temporal, as above appeareth upon the case of laying violent hands on a clerk, they say, that notwithstanding

... case where it is found that the king's  
by the excommunication.

\* \* \* \* \*

Witness the king at York, the twenty-fourth  
day, in the tenth year of the reign of king  
Edward.



## 53. Revocation of the New

(May, 1322. French text and translation, 1 S. R. 18)

WHEREAS our lord king Edward, son of  
the sixteenth day of March in the third  
to the honor of God, and for the weal of his  
did grant unto the prelates, earls, and barons  
they might choose certain persons of the prelates,  
barons, and of other lawful men whom they shal  
cient to be called unto them, for the ordaining  
the estate of the household of our said lord the  
realm according to right and reason, and in  
their ordinances should be made to the honor o  
honor and profit of holy Church, and to the  
king, and to his profit and to the profit of his  
to right and reason, and to the oath which our  
made at his coronation: and the archbishop of  
mate of all England, the bishop, earls, and  
chosen, did make certain ordinances

The which ordinances our said lord the king, at his parliament at York, in three weeks from Easter in the fifteenth year of his reign, did, by the prelates, earls, and barons, among whom were the more part of the said Ordainers who were then living, and by the commonalty of his realm, there by his command assembled, cause to be rehearsed and examined: and forasmuch as upon that examination it was found, in the said parliament, that by the matters so ordained the royal power of our said lord the king was restrained in divers things, contrary to what ought to be, to the blemishing of his royal sovereignty, and against the estate of the crown; and also, forasmuch as, in time past, by such ordinances and provisions, made by subjects against the royal power of the ancestors of our lord the king, troubles and wars have happened in the realm, whereby the land hath been in peril, it is accorded and established, at the said parliament, by our lord the king, and by the said prelates, earls, and barons, and the whole commonalty of the realm, at this parliament assembled, that all the things, by the said ordainers ordained and contained in the said ordinances, shall from henceforth for the time to come cease and shall lose their name, force, virtue, and effect for ever; the statutes and establishments duly made by our lord the king and his ancestors, before the said ordinances, abiding in their force: and that forever hereafter, all manner of ordinances or provisions, made by the subjects of our lord the king or of his heirs, by any power or authority whatsoever, concerning the royal power of our lord the king or of his heirs, or against the estate of our said lord the king or of his heirs, or against the estate of the crown, shall be void and of no avail or force whatever; but the matters which are to be established for the estate of our lord the king and of his heirs, and for the estate of the realm and of the people, shall be treated, accorded and established in parliaments, by our lord the king, and by the assent of the prelates, earls, and barons, and the commonalty of the realm; according as it hath been heretofore accustomed.



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### 54. Statute concerning the Lands of the Templars

(March, 1324. Latin text and translation, 1 *S. R.* 194.)

• • • **W**HEREUPON, the greater part of the king's council, as well the justices as other lay persons assembled together, the said justices affirmed precisely, that the king, and other lords of the fees aforesaid, might lawfully, by the laws of the realm, retain the foresaid lands and their escheats, in regard of the ceasing and dissolution of the order aforesaid: but because the lands and tenements aforesaid were given to the brethren of the said order for the defence of Christians, • • • ; it seemed good to our lord the king, the nobles, and others assembled in the same parliament, for the health of their souls, • • • , that the foresaid lands and tenements, and all other things pertaining thereunto, • • • , shall be assigned and delivered to other men of most holy religion; • • • : Whereupon in the same parliament it is agreed, ordained and concluded, for let to continue for ever on this behalf, that nei-

## 55. Articles of Accusation against Edward II

(January, 1327. French text, Twysden's *Historiae Anglicanae Scriptores* Decem, 2765. Translation by Editors. 2 Stubbs, 379.)

**I**T has been decided that prince Edward, the eldest son of the king shall have the government of the realm and shall be crowned king, for the following reasons:

1. First, because the king is incompetent to govern in person. ~~For~~ throughout his reign he has been controlled and governed by others who have given him evil counsel, to his own dishonor and to the destruction of holy Church and of all his people, without his being willing to see or understand what is good or evil or to make amendment, or his being willing to do as was required by the great and wise men of his realm, or to allow amendment to be made.

2. Item, throughout his reign he has not been willing to listen to good counsel nor to adopt it nor to give himself to the good government of his realm, but he has always given himself up to unseemly works and occupations, neglecting to satisfy the needs of his realm.

3. Item, through the lack of good government he has lost the realm of Scotland and other territories and lordships in Gascony and Ireland which his father left him in peace, and he has lost the friendship of the king of France and of many other great men.

4. Item, by his pride and obstinacy and by evil counsel he has destroyed holy Church and imprisoned some of the persons of holy Church and brought distress upon others and also many great and noble men of his land he has put to a shameful death, imprisoned, exiled, and disinherited.

5. Item, wherein he was bound by his oath to do justice to all, he has not willed to do it, for his own profit and his greed and that of the evil councillors who have been about him, nor has he kept the other points of his oath which he made at his coronation, as he was bound to do.

6. Item, he has stripped his realm, and done all that he could to ruin his realm and his people, and what is worse, by his cruelty and lack of character he has shown himself incorrigible without hope of amendment, which things are so notorious that they cannot be denied.

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### 56. Statute of Northampton

28. French text and translation, 1 *S. R.* 257. 2 Stubbs, 390, 613.

Item, whereas offenders have been greatly encouraged  
that charters of pardon have been so easily granted  
in past, of manslaughter, robberies, felonies, and other  
crimes against the peace; it is ordained and enacted, that  
no charter shall not be granted, but only where the king may  
swear his oath, that is to say, where a man slayeth another in  
defence, or by misfortune: \* \* \*

\* \* \*  
Item, whereas all the counties in England were in old  
times assessed to a certain ferm, and then were all the hundreds  
and wapentakes in the sheriff's hands rated to this ferm; and  
there were approvers sent into divers counties, which did increase  
the number of some hundreds and wapentakes; and after, the kings  
in times have granted to many men part of the same hun-  
dreds and wapentakes for the old fermes only; and now late the  
people be wholly charged of the increase, which amounteth to a  
great burden, to the great hurt of the people, and disherison of the  
king, it is ordained, that the hundreds and

**Statute concerning Justices and Sheriffs 101**

often, if need be; also there shall be assigned good and lawful men in every county to keep the peace; and in the said assignments, mention shall be made that such as shall be indicted or taken by the said keepers of the peace, shall not be let to mainprise [bail] by the sheriffs, nor by none other ministers, if they be not mainpernable by the law; nor that such as shall be indicted, shall not be delivered but at the common law. And the justices assigned to deliver the jails shall have power to deliver the same jails of those that shall be indicted before the keepers of the peace; and that the said keepers shall send their indictments before the justices, and they shall have power to enquire of sheriffs, jailers, and others, in whose ward such indicted persons shall be, if they make deliverance, or let to mainprise any so indicted, which be not mainpernable, and to punish the said sheriffs, jailers, and others, if they do anything against this act.

\* \* \* \* \*

13. Item, because divers charters of pardon have been granted of felonies, robberies, and manslaughteres, against the form of the statute lately made at Northampton, containing that no man should have such charters out of the parliament, whereby such misdoers have been the more bold to offend; it is enacted, that from henceforth the same statute shall be kept and maintained in all points.

14. Item, it is accorded that a parliament shall be holden every year once, or more often if need be.

15. Item, because sheriffs have before this time let hundreds and wapentakes in their bailiwicks to so high ferm, that the bailiff cannot levy the said ferm, without doing extortion and duress to the people; it is ordained, that the sheriffs shall from henceforth let their hundreds and wapentakes for the old ferm, and not above; and that the justices assigned shall have power to enquire of the said sheriffs, and punish them that shall be found offending against this statute.

## 58. Presentment of Englishry Abolished and Grant of a Subsidy

(April, 1340. First statute of 14 Edward III. French text and translation, *S. R.* 281. 2 Stubbs, 401.)

**T**O the honor of God and of holy Church, by the assent of the prelates, earls, barons, and other, assembled at the parliament holden at Westminster the Wednesday next after Mid-Lent, in the fourteenth year of the reign of our lord king Edward the Third of England, and the first year of his reign of France; the king for the peace and quietness of his people, as well great as small, doth grant and establish the things underwritten, which he wills to be holden and kept in all points perpetually to endure.

\* \* \* \* \*

4. Item, because many mischiefs have happened in divers counties of England, which had no knowledge of presentment of Englishry, whereby the commons of the counties were often amerced before the justices in eyre, to the great mischief of the people; it is assented, that from henceforth no justice errant shall put in any article or opposition, presentment of Englishry against the commons of the counties, nor against any of them; but that Englishry and presentment of the same, be wholly out and void forever, so that no person by this cause may be from henceforth impeached.

\* \* \* \* \*

20. Item, for the grants, releases, and pardons of the debts, chattels of felons and fugitives, and many other things and good establishments above written, which the king hath granted to the prelates, earls, barons, and all the commons of his realm, for the ease of them perpetually to endure, the said prelates, earls, barons, and all the commons of the realm, willing of one assent and good will, having regard to the will that the king their liege lord hath towards them, and to the great travail that he hath made and sustained as well in his wars of Scotland, as against the parts of France, and other places, and to the good will which he hath to travail to keep his realm, and maintain his wars, and to purchase his rights: they have granted to him the ninth lamb, the ninth fleece, and the ninth sheaf, to be taken by two years then next to come. And of cities and boroughs the very ninth

part of all their goods and chattels, to be taken and levied by lawful and reasonable tax by the same two years, in aid of the good keeping of this realm, as well by land as by sea, and of his wars, as well against the parts of Scotland, as against the parts of France, Gascony, and elsewhere. And in right of merchants foreign, which dwell not in the cities nor boroughs, and also of other people that dwell in forests and wastes, and all others that live not of their tillage, or their store of sheep, by the good advice of them which shall be deputed taxers, they shall be set lawfully at the value to the fifteenth, without being unreasonably charged; and it is not the intent of the king, nor of other great men, nor the commons, that by this grant made to the king of fifteenths, the poor cotiers, nor other that live of their bodily travail, shall be comprised within the tax of the said fifteenths, but shall be discharged by the advice of them which be deputed taxers, and of the great men which be deputed surveyors.

21. Item, though the commons of the realm did pray the king, that he would by assent of the parliament grant and establish, that never should be taken more custom of a sack of wool than half a mark, nor of lead, nor tin, leather, nor woolfells, but the old custom: nevertheless the king prayed the prelates, earls, barons, and all the commonalty, for the great business which he hath now in hand as they well know, that they would grant to him some aid upon the wools, leather, woolfells, and other merchandises, to endure for a small season; whereupon deliberation had, the said prelates, earls, barons, and commons of his realm, hath granted to him forty shillings to be taken of every sack of wool, and forty shillings of every three hundred woolfells, and forty shillings of every last of leather, and other merchandises that pass beyond the sea, after the rate; and to begin at the feast of Easter, in the fourteenth year of his reign, and to endure till the feast of Pentecost, then next following, and from that feast till the feast of Pentecost then next ensuing in a whole year. And for this grant, the king by the assent of the prelates, earls, barons, and all others assembled in parliament, hath granted, that from the feast of Pentecost, that cometh in a year, he nor his heirs shall not demand, assess, nor take, nor suffer to be taken more custom of a sack of wool of any Englishman, but half a mark of custom only; and upon the woolfells and leather the old custom; and the sack ought to contain twenty-six stones, and every stone fourteen pounds. \* \* \* And this establishment lawfully, to be holden and kept, the king hath promised in the presence of the prelates, earls, barons, and others in his parlia-

ment, no more to charge, set, or assess, upon the custom, but in the manner as afore is said. In the same manner the prelates, earls, and barons have promised lawfully, as much as in them is, that they shall procure the king, as much as they may, to hold the same; and that they shall in no wise assent to the contrary, if it be not by assent of the prelates, earls, barons, and commons of the realm, and that in full parliament. And for the more greater surety, and to give cause to all to eschew to counsel to the contrary of this point established, the prelates have promised to give sentence upon all them that come against the same in any point.

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### 59. Unauthorized Charges and Taxes Abolished

(April, 1340. Second statute of 14 Edward III. French text and translation, 1 *S. R.* 289. 2 Stubbs, 402.)

**E**DWARD, by the grace of God, king of England and of France, and lord of Ireland, to all to whom these letters shall come, Greeting.

1. Know ye, that whereas the prelates, earls, barons, and commons of our realm of England, in our present parliament holden at Westminster the Wednesday next after the Sunday of Middle Lent, the fourteenth year of our reign of England, and the first of France, have granted to us of their good gree and good will, in aid of the speed of our great business which we have to do, as well on this side the sea as beyond, the ninth sheaf, the ninth fleece, and the ninth lamb, to be taken by two years next coming after the making of the same, and the citizens of cities and the burgesses of boroughs, the very ninth part of all their goods; and the foreign merchants, and others which live not of tillage, nor of store of sheep, the fifteenth of their goods lawfully to the value: we, willing to provide for the indemnity of the said prelates, earls, barons, and others of the commonalty, and also of the citizens, burgesses, and merchants aforesaid, will and grant for us and our heirs, to the same prelates, earls, barons and commons, citizens, burgesses and merchants, that the same grant which is so chargeable, shall not another time be had forth in example, nor fall to their prejudice in time to come, nor that they be from henceforth charged nor grieved to make common aid, or to sustain charge, if it be not by the common assent of

the prelates, earls, barons, and other great men, and commons of our said realm of England, and that in the parliament; and that all the profits rising from the said aid, and of the wards and marriages, customs and escheats, and other profits rising of the said realm of England, shall be put and spent upon the maintenance of the safeguard of our said realm of England, and of our wars in Scotland, France, and Gascony, and in no places elsewhere during the said wars.

\* \* \* \* \*

## 60. England not to be Subject to the King as King of France

(April, 1340. Third statute of 14 Edward III. French text and translation, 1 *S. R.* 292. 2 Stubbs, 402.)

**T**HE king to all to whom these letters shall come, Greeting: Know ye, that whereas some people do think, that by reason that the realm of France is devolved to us as right heir of the same, and forasmuch as we be king of France, our realm of England should be put in subjection of the king and of the realm of France in time to come; we, \* \* \* will and grant and establish for us, and for our heirs and successors, by assent of the prelates, earls, barons, and commons \* \* \* that \* \* \* our said realm of England, nor the people of the same, of what estate or condition they be, shall not in any time to come be put into subjection nor in obeisance of us, nor of our heirs nor successors as kings of France; \* \* \*

## 61. Inquiry into Accounts

(May, 1341. French text, 2 *R. P.* 128, 130. Translation by Editors. 2 Stubbs, 409.)

12. **ITEM**, the great men and commons of the land pray, for the common profit of the king and of themselves, that certain persons be deputed by commission to audit the accounts of all those who have received the wool of our said lord, or other aids granted to him; and also of those who have received and paid out his money, as well beyond the seas as in the realm from



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commencement of his war until now; and that the rolls and  
remembrances, obligations, and other things made abroad  
be delivered into the chancery, to be enrolled and recorded, just  
as wont to be done heretofore.

Item, as to the second article, that is to say, of auditing  
the accounts of those who have received the wool of the king, and  
other aids, etc. It is the king's pleasure that this be done by  
four men deputed for the purpose, with the addition that the  
treasurer and the chief baron be of the number: and that it be  
done concerning this as it was heretofore ordained; and that they  
be chosen in this parliament. And also that all rolls  
remembrances, and obligations made beyond the sea, be delivered  
into the chancery.

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### 62. An Act to secure the Rights of Peers and Others, and to secure the Responsibility of the King's Ministers

May, 1341. French text and translation, 1 *S. R.* 295. 2 Stubbs, 409.)

• • • • •  
It is enacted and assented that the franchise of

granted by the king, and by his progenitors before this time, be freely granted without disturbance before all manner justices, or other ministers where it needeth to have allowance, and they shall be made quit at the exchequer, or elsewhere.

2. Item, whereas before this time the peers of the land have been arrested and imprisoned, and their temporalties, lands and tenements, goods and chattels, asseised in the king's hands, and some put to death without judgment of their peers: it is accorded and assented that no peer of the land, officer or other, because of his office, nor of things touching his office, nor by other cause shall be brought in judgment to lose his temporalties, lands, tenements, goods and chattels, nor to be arrested, nor imprisoned, outlawed, exiled, nor forejudged, nor put to answer, nor to be judged, but by award of the said peers in the parliament. Having always to our sovereign lord the king, and his heirs in other cases the laws rightfully used, and by due process, and saved also the suit of the parties. And if perchance any peer will, of his agreement, elsewhere answer or be judged, but in the parliament, that the same shall not turn in prejudice of the other peers, nor of himself in any other case; except if any of the peers be sheriff or fermor of fee, or hath been officer, or hath received money, or other chattels of the king, because of which office or receipt he is bound to account, that the same shall account by himself or by his attorney in places accustomed; so that the pardons before this time made in the parliament, shall stand in their force.

3. Item, because that the points of the Great Charter be blemished in divers manners, and less well holden than they ought to be, to the great peril and slander of the king, and damage of his people especially inasmuch as clerks, peers of the land, and other free men be arrested and imprisoned, and ousted of their goods and chattels, who were not appealed nor endited, nor suit of the party against them affirmed: it is accorded and assented, that from henceforth such things shall not be done. And if any minister of the king, or other person, of what condition he be, do or come against any point of the Great Charter, or other statutes, or the laws of the land, he shall answer in the parliament, as well at the king's suit, as at the suit of the party, where no remedy nor punishment was ordained before this time, as far forth where it was done by commission or commandment of the king, as of his own authority, notwithstanding the ordinance made before this time at Northampton, which by assent of the king, the prelates, earls, barons, and the commonalty of the

ed, in this present parliament is repealed and utterly annulled, and that the chancellor, treasurer, barons, and chancellor of the exchequer, the justices of the one bench and of the other, justices assigned in the country, steward and chamberlain of the king's house, keeper of the privy seal, treasurer of the wardrobe, and controllers, and they that be chief deputed to abide nigh the king and the duke of Cornwall, shall be now sworn in this parliament, and from henceforth at all times that they shall be put in office, to keep and maintain the privileges and franchises of holy Church, and the points of the Great Charter, and the Charter of Forest, and all other statutes, without breaking any point.

Item, it is assented, that if any of the officers aforesaid, controllers, or chief clerk in the common bench, or in the king's bench, by death or by other cause be ousted of his office, the sovereign lord the king, by the accord of the great council which shall be found most nighest in the country, which he shall have towards him, and by the good counsel which he shall have about him, shall put another convenient in the said office; and he shall be sworn after the form aforesaid. And that in every parliament, at the third day of the same parliament, the king shall have in his hands the offices of all the ministers aforesaid, and shall they abide four or five days, except the offices of justices of the one place or the other, justices assigned, barons of

rights royal were pretended to be granted by us by the manner of statute; we, considering how that by the bond of our oath we are tied to the observance and defence of such laws, customs, rights, and prerogatives, and providently willing to revoke and call again such things to a due state, which be so improvidently done, upon conference and treatise thereupon had with the earls, barons, and other wise men of our said realm, and because we never consented to the making of the said pretended statute, but when it behoved us, we dissimulated in the premises, protests being before made for the revoking of the said statute, if indeed it should proceed, to eschew the dangers which by the denying of the same we feared to come, forasmuch as the said parliament otherwise had been, without dispatching anything, in discord dissolved, and so our earnest business had likely been ruined, which God prohibit, and the said pretended statute we permitted then to be sealed: it seemed to the said earls, barons, and other wise men, that since the said statute did not of our free will proceed, the same should be void, and ought not to have the name nor strength of a statute; and therefore by their counsel and assent we have decreed the said statute to be void, and the same, in so far as it proceeded of deed, we have agreed to be annulled; willing nevertheless, that the articles contained in the said pretended statute which by other of our statutes, or of our progenitors kings of England, have been approved, shall, according to the form of the said statutes in every point, as convenient is, be observed; and the same we do, only to the conservation and reintegration of the rights of our crown, as we be bound, and not that we should in any wise grieve or oppress our subjects, whom we desire to rule by lenity and gentleness. And therefore we do command thee, that all these things thou cause to be openly proclaimed in such places within thy bailiwick where thou shalt see expedient. Witness myself at Westminster the first day of October, the fifteenth year of our reign.

By the king himself and his council.

## 64. An Act regulating the Coinage

(May, 1343. French text and translation, 1 *S. R.* 299. 2 Stubbs, 413.)

**I**TEM, it is accorded to make money of good sterling in England of the weight and alloy of the ancient sterling, which shall be current in England between the great men and commons

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and, and the which shall not be carried out of the realm  
and in any manner, nor for any cause whatsoever; and in  
at the Flemings will make good money of silver groats or  
according in alloy with good sterling, that such money  
current in England between merchant and merchant, and  
who of their own accord will receive the same; so that no  
e carried out of the realm.

\* \* \* \* \*

### Attempts to Tax though the Merchants resisted

May, 1343. French text, 2 *R. P.* 140. Translation by Editors.  
(2 Stubbs, 412.)

ITEM, that the maletote of wool remain at half a mark  
used in the time of the king's progenitors and as it was  
by statute during the king's own reign. And seeing  
the merchants of themselves have granted, without the assent  
the commons, a subsidy of forty shillings on each sack  
besides the lawful maletote of half a mark, you will, if it  
measure, have regard that it is all to the charge and to

England the eighteenth and of France the fifth, among other things many things were showed in full parliament, which were attempted by the party adversary to our sovereign lord the king, of France, against the truce lately taken in Britain, betwixt our said sovereign lord the king and his said adversary; and how that his said adversary enforceth himself as much as he may, to destroy our said sovereign lord the king, and his allies, subjects, lands, and places, and the tongue of England; and that was prayed by our said sovereign lord the king of the prelates, great men and commons, that they would give him such counsel and aid, as should be expedient in so great necessity: And the said prelates, great men and commons, taking good deliberation and advice, and openly seeing the subversion of the land of England, and the king's great business, which God defend, if hasty remedy be not provided, have counselled jointly and severally, and prayed with great instance our sovereign lord the king, that he would make himself as strong as he might to pass the sea, in assurance of the aid of God and of his good quarrel, effectually this time to make an end of his wars, or by way of peace or else by force; and that nor for letters, words, nor fair promises, he shall let his passage, till he see the effect of his business; and for this cause the said great men do grant, to pass and to adventure them with him. And the said commons do grant to him, for the same cause upon a certain form two fifteenths of the commonalty, and two tenths of the cities and boroughs, to be levied in manner as the last fifteenth granted to him was levied, and not in other manner; and to be paid by two years, at the feasts of All Saints, and of Easter next following, for the first year; and in case that our sovereign lord the king doth pass the sea, to pay at the same terms a fifteenth and a tenth of the second year, and not in other manner; so that the money levied of the same, be dispended in the business showed to them in this parliament, by the advice of the great men thereto assigned, and that the aids beyond Trent, be put in defence of the North. And our said sovereign lord the king, for this cause, and in the ease of the said commons, and of all his faithful subjects of England, by the assent of the prelates, great men, and commons, hath granted of his good grace these things underwritten:

• • • • •

\* \* \* \*

FIRST, whereas many things have bee  
our adversary of France, against  
Britain, betwixt us and him, and how th  
as much as he may, to destroy us, and ou  
and places, and the tongue of England: A  
the prelates, great men, and commons,  
such counsel and aid as there should be  
tremity and the said prelates, great men  
thereof good deliberation and advice, and  
version of the land of England, and of ou  
God defend, if speedy remedy be not prov  
jointly and severally, and with great insta  
assurance of the aid of God, and our good q  
us as strong by all the good means that w  
to finish our wars; and that for letters, wor  
we should not let our passage, till we did  
business: and for this cause, the great mer  
pass, and to adventure themselves with us;  
and procurators of the clergy, have grante  
cause, a triennial tenth, to be paid at ce  
say, of the province of Canterbury, at the  
tion of our Lady, and of Saint Barnabas th  
province of York, at the feasts of Saint Luke  
Saint John Baptist. And we for this cause  
the estate of holy Church, and in ease of t  
all the clergy of England, by assent of the  
commons, do grant of our good grace the  
that is to say, that no archbish  
before

## 68. Grant on Conditions

(April, 1348. French text, 2 *R. P.* 200. Translation by Editors.  
2 Stubbs, 417, 606.)

4. \* \* \* NEVERTHELESS, provided that the aid now granted by the said commons be in no manner turned into wool neither by loan, nor by valuation, nor in other manner be levied nor more hastily, than in the form in which it be granted, and that in the meantime the circuits of the justices, as well of the forest as of common pleas and general inquisitions, cease throughout the land; that the aid be levied, and that the subsidy granted of forty shillings on each sack of wool cease at the end of three years, which will be now at Michaelmas next coming, and that henceforth no such grant be made by the merchants, inasmuch as it is only to the grievance and charge of the commons, and not of the merchants who buy the wool at so much the less. And also, that henceforth no imposition, tallage, nor charge by loan, nor of any other sort whatsoever, be put by the privy council of our lord the king without their grant and assent in parliament: and also, that two prelates, two lords, and two justices in this present parliament be assigned to hear and examine all the petitions previously put forward in the last parliament by the commons which have not yet been answered; and with them the petitions now set forth, in the presence of four or six of the commons chosen by them for this special purpose, so that the said petitions be answered reasonably in the present parliament, and of those which have been previously answered in full, that the answers be in force without change. And also that the merchants who have evilly deceived our lord the king, and have been extortionate toward his people in the matter of the twenty thousand sacks of wool of loan granted by the commons to our said lord, be put to answer before the justices having power to hear and determine throughout the counties of England, and that no release nor charter of pardon be allowed them. And that the said justices make inquisition of the false money which ruins the people. And that David Bruce, William Douglas and the other chieftains of Scotland be in no manner released neither for ransom nor on parole. And also that our lord the king restore to the commons the twenty thousand sacks of wool in time past taken from the commons by loan and that the aid for the marrying of the daughter of our



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King cease in the meantime. And that there be no Marshal in England, save the Marshalsea of our lord the king, or Guardian of England when our lord the king shall be out of the land, upon these conditions above named and not otherwise; and also, provided that the said conditions be entered on the roll of parliament as a matter of record, so that there can be nothing to the contrary is attempted in time to come. And the said poor commons, to their very great mischief, grant to our lord the king three fifteenths to be levied for three years beginning at Michaelmas next coming; so that each of the said years one fifteenth and no more be levied, at two terms of the year, at Michaelmas and at Easter, in equal portions. And the said aid be assigned and kept solely for the war of our lord the king and in no manner for the payment of former debts. And if, by the grace of God, peace or long truce be made in the meantime, that the fifteenth for the last of the three years be void; but of that fifteenth the grant shall lose its force only. And that letters patent of these conditions, and of the order of this grant be made under the great seal to all the justices of England, without paying anything therefor. And the said patents make mention of the great necessity of our lord the king, which has arisen since the last parliament. And of the war of war with Scotland that the aid granted north of the Trent be turned to the conduct of that war and in defence of

## Ordinance concerning Laborers and Servants 115

1. That every man and woman of our realm of England, of what condition he be, free or bond, able in body, and within the age of three score years, not living in merchandise, nor exercising any craft, nor having of his own whereof he may live, nor proper land, about whose tillage he may himself occupy, and not serving any other, if he be required to serve in convenient service, his estate considered, he shall be bounden to serve him which shall so him require; and take only the wages, livery, meed, or salary, which were accustomed to be given in the places where he used to serve, the twentieth year of our reign of England, or five or six other common years next before. Provided always, that the lords be preferred before others in their bondmen or their land tenants, so in their service to be retained: so that nevertheless the said lords shall retain no more than be necessary for them; and if any such man or woman, being so required to serve, will not do the same, that proved by two true men before the sheriff, bailiff, lord, or constable of the town where the same shall happen to be done, he shall anon be taken by them, or any of them, and committed to the next jail, there to remain under their keeping, till he find surety to serve in the form aforesaid.

\* \* \* \* \*

5. Item, that sadlers, skimmers, whitetawers, cordwainers, horsers, smiths, carpenters, masons, tilers, boatmen, carters, and other artificers and workmen, shall not take for their labor and workmanship above the same that was wont to be paid to such persons the said twentieth year, and other common years next before, as afore is said, in the place where they shall happen to work; and if any man take more, he shall be committed to the next jail, in manner as afore is said.

6. Item, that butchers, fishmongers, hostlers, brewers, bakers, vintners, and all other sellers of all manner of victual, shall be bound to sell the same victual for a reasonable price, having respect to the price that such victual be sold at in the places adjoining, so that the same sellers have moderate gains, and not excessive, reasonably to be required according to the distance of the place from whence the said victuals be carried; \* \* \*

\* \* \* \* \*

## 70. Statute of Laborers

(February, 1351. French text and translation, 1 *S. R.* 311. 2 Stubbs, 428, 476.)

**W**HEREAS late against the malice of servants, which were idle, and not willing to serve after the pestilence, without taking excessive wages, it was ordained by our lord the king, and by assent of the prelates, nobles, and other of his council, that such manner of servants, as well men as women, should be bound to serve, receiving salary and wages, accustomed in places where they ought to serve in the twentieth year of the reign of the king that now is, or five or six years before; and that the same servants refusing to serve in such manner, should be punished by imprisonment of their bodies, as in the said statute is more plainly contained: whereupon commissions were made to divers people in every county to inquire and punish all them which offend against the same: and now forasmuch as it is given the king to understand in this present parliament, by the petition of the commonalty, that the said servants having no regard to the said ordinance, but to their ease and singular covetise, do withdraw themselves to serve great men and others, unless they have livery and wages to the double or treble of that they were wont to take the said twentieth year, and before, to the great damage of the great men, and impoverishing of all the said commonalty, whereof the said commonalty prayeth remedy: wherefore in the said parliament, by the assent of the said prelates, earls, barons, and other great men, and of the same commonalty there assembled, to refrain the malice of the said servants, be ordained and established the things underwritten, that is to wit:

\* \* \* \* \*

5. Item, that the said stewards, bailiffs, and constables of the said towns, be sworn before the same justices, to inquire diligently by all the good ways they may, of all them that come against this ordinance, and to certify the same justices of their names at all times, when they shall come into the country to make their sessions; so that the same justices on certificate of the same stewards, bailiffs, and constables, of the names of the rebels, shall cause them to be attached by their body, to be before the said justices, to answer of such contempts, so that they make fine and ransom to the king, in case they be attainted: and moreover to be commanded to prison, there to remain till they have

found surety, to serve, and take, and do their work, and to sell things vendible in the manner aforesaid; and in case that any of them come against his oath, and be thereof attainted, he shall have imprisonment of forty days; and if he be another time convict, he shall have imprisonment of a quarter of a year, so that at every time that he offendeth and is convict, he shall have double pain: \* \* \*

\* \* \* \* \*

7. Item, that the said justices make their sessions in all the counties of England at the least four times a year, that is to say, at the feast of the Annunciation of our Lady, Saint Margaret, Saint Michael, and Saint Nicholas; and also at all times that shall need, according to the discretion of the said justices; \* \* \*

## 71. Statute of Provisors of Benefices

(February, 1351. French text and translation, 1 *S. R.* 316. 2 Stubbs, 430, 3 Stubbs, 324.)

**W**HEREAS late in the parliament of good memory of Edward king of England, grandfather to our lord the king that now is, the five and thirtieth year of his reign, holden at Carlisle, the petition being heard, which was offered unto the said grandfather and his council in his said parliament, by the commonalty of the said realm, containing, that whereas the holy Church of England was founded in the estate of prelacy, within the realm of England, by the said grandfather and his progenitors, and the earls, barons, and other nobles of his said realm, and their ancestors, to inform them and the people of the law of God, and to make hospitalities, alms, and other works of charity, in the places where the churches were founded, for the souls of the founders, their heirs, and all Christians; and certain possessions, as well in fees, lands, rents, as in advowsons, which do extend to a great value, were assigned by the said founders to the prelates and other people of the holy Church of the said realm, to sustain the same charge, and especially of the possessions which were assigned to archbishops, bishops, abbots, priors, religious, and all other people of holy Church, by the kings of the said realm, earls, barons, and other great men of his realm; the same kings, earls, barons, and other nobles, as lords and advowees, have had and ought to have the custody of such voidances [vacancies], and the presentments and

the collations of the benefices being of such prelacies: and the said kings in times past were wont to have the greatest part of their council, for the safeguard of the realm when they had need, of such prelates and clerks so advanced; the pope of Rome, accroaching to him the seignories of such possessions and benefices doth give and grant the same benefices to aliens which did never dwell in England, and to cardinals, which might not dwell here, and to others as well aliens as denizens, as if he had been patron or advowee of the said dignities and benefices, as he was not of right by the law of England; whereby if they should be suffered, there should scarcely be any benefice within a short time in the said realm, but that it should be in the hands of aliens and by virtue of such provisions, against the good will and disposition of the founders of the same benefices; and so the elections of archbishops, bishops, and other religious should fail, and the alms, hospitalities, and other works of charity, which should be done in the said places, should be withdrawn, the said grandfather, and other lay-patrons, in the time of such voidances, should lose their presentments, the said council should perish, and goods without number should be carried out of the realm, in annulling of the estate of the holy Church of England, and disherison of the said grandfather, and the earls, barons, and other nobles, and in offence and destruction of the laws and rights of his realm, and to the great damage of his people, and in subversion of all the estate of his said realm, and against the good disposition and will of the first founders: by the assent of the earls, barons, and other nobles and of all the said commonalty, at their instances and requests, the damage and grievances afore considered, in the said full parliament it was provided, ordained, and established, that the said oppressions, grievances, and damages in the same realm from henceforth should not be suffered in any manner. And now it is showed to our lord the king in this present parliament holden at Westminster, at the utas of the Purification of our Lady, the five and twentieth year of his reign of England, and of France the twelfth, by the grievous complaints of all the commons of his realm, that the grievances and mischiefs afore-said do daily abound, to the greater damage and destruction of all this realm more than ever were before, namely, that now of late our Holy Father the pope by procurement of clerks and other wise, hath reserved, and doth daily reserve to his collation generally and especially, as well archbishoprics, bishoprics, abbeyes, and priories, as all other dignities and other benefices of England, which be of the advowry of people of holy Church,

and doth give the same as well to aliens as to denizens, and taketh of all such benefices the first fruits, and many other profits, and a great part of the treasure of the said realm is carried away and dispended out of the realm, by the purchasers of such graces; and also by such privy reservations many clerks advanced in this realm by their true patrons, which have peaceably holden their advancements by long time be suddenly put out: whereupon the said commons have prayed, our said lord the king, that since the right of the crown of England, and the law of the said realm is such, that upon the mischiefs and damages which happen to his realm, he ought, and is bound by his oath, with the accord of his people in his parliament, thereof to make remedy and law, for the voiding of the mischiefs and damages which thereof ensue, that it may please him therefor to ordain remedy:

Our lord the king seeing the mischiefs and damage before mentioned, and having regard to the said statute made in the time of his said grandfather, and to the causes contained in the same; which statute holdeth always his force, and was never defeated nor annulled in any point, and by so much as he is bounden by his oath to cause the same to be kept as the law of his realm, though that by sufferance and negligence it hath been once attempted to the contrary; also having regard to the grievous complaints made to him by his people in divers his parliaments holden heretofore, willing to ordain remedy for the great damages and mischiefs which have happened and daily do happen to the Church of England by the said cause, by the assent of all the great men and the commonalty of the said realm to the honor of God, and the profit of the said Church of England, and of all his realm, hath ordained and established, that the free elections of archbishops, bishops, and all other dignities and benefices elective in England, shall hold from henceforth in the manner as they were granted by the king's progenitors, and founded by the ancestors of other lords. And that all prelates and other people of holy Church, which have advowsons of any benefices of the king's gift, or of any of his progenitors, or of other lords and donors, to do divine services, and other charges thereof ordained, shall have their collations and presentments freely to the same, in the manner as they were enfeoffed by their donors. And in case that reservation, collation, or provision be made by the court of Rome, of any archbishopric, bishopric, dignity, or other benefice, in disturbance of the elections, collations, or presentations aforesaid that at the same time of the voidance, when such reservations, collations, and provisions shall take effect, our lord

the king and his heirs shall have and enjoy for the same time the collations to the archbishoprics, bishoprics, and other dignities elective, which be of his advowry, such as his progenitors had, before that free election was granted, seeing that the elections were first granted by the king's progenitors upon a certain form and condition, as to demand licence of the king to choose, and after the election to have his royal assent, and not in other manner; which conditions not kept, the thing ought by reason to resort to its first nature. And if any such reservation, provision, or collation be made of any house of religion of the king's advowry, in disturbance of free election, our sovereign lord the king and its heirs, shall have for that time the collation to give this dignity to a convenient person. And in case that collation, reservation, or provision be made by the court of Rome of any church, prebend, or other benefices, which be of the advowry of people of holy Church, whereof the king is advowee paramount immediate, that at the same time of the voidance, at which time the collation, reservation or provision should take effect as afore is said, the king and his heirs shall thereof have the presentment or collation for that time; and so from time to time, when soever such people of holy Church shall be disturbed of their presentments or collations by such reservations, collations, or provisions, as afore is said; saving to them the right of their advowsons and their presentments, when no collation or provision of the court of Rome is thereof made, or where that the said people of holy Church shall or will to the same benefices present or make collation; and that their presentees may enjoy the effect of their collations or presentments: and in the same manner every other lord, of what condition that he be, shall have the collations or presentments to the houses of religion which be of his advowry and other benefices of holy Church which be pertaining to the same houses. And if such advowees do not present to such benefices within the half year after such voidances, nor the bishop of the place do not give the same by lapse of time within a month after half a year, that then the king shall have thereof the presentments and collations as he hath of other of his own advowry. And in case that the presentees of the king, or the presentees of other patrons of holy Church or of their advowees, or they to whom the king, or such patrons or advowees aforesaid, have given benefices pertaining to their presentments or collations, be disturbed by such provisors, so that they may not have possession of such benefices by virtue of the presentments or collations to them made, or that they which be in pos-

session of such benefices be impeached upon their said possessions by such provisors; then the said provisors, their procurators, executors, and notaries, shall be attached by their body, and brought in to answer; and if they be convict, they shall abide in prison without being let to mainprise, or bail, or otherwise delivered, till that they have made fine and ransom to the king at his will, and satisfaction to the party that shall feel himself grieved. And nevertheless before that they be delivered, they shall make full renunciation, and find sufficient surety that they shall not attempt such things in time to come, nor sue any process by them, nor by other, against any man in the court of Rome, nor in any part elsewhere, for any such imprisonments or renunciations, nor any other thing depending of them.

\* \* \* \* \*

## 72. The Statute of Treasons

(March, 1352. French text and translation, 1 *S. R.* 319. 2 Stubbs, 431.)

\* \* \* \* \*

2. ITEM, whereas divers opinions have been before this time what case should be adjudged treason, and what not; the king, at the request of the lords and of the commons, hath made a declaration in the manner as hereafter followeth, that is to say; when a man doth compass or imagine the death of our lord the king, or of our lady his wife, or of their eldest son and heir; or if a man do violate the king's wife, or the king's eldest daughter unmarried, or the wife of the king's eldest son and heir; or if a man do levy war against our lord the king in his realm, or be adherent to the king's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere, and thereof be proveably attainted of open deed by people of their condition: and if a man counterfeit the king's great or privy seal, or his money; and if a man bring false money into this realm, counterfeit to the money of England, as the money called lushburgh, or other, like to the said money of England, knowing the money to be false, to merchandise or make payment in deceit of our said lord the king and of his people; and if a man slay the chancellor, treasurer, or the king's justices of the one bench or the other, justices in eyre, or justices of assize, and all other justices assigned to hear and determine, being in their places, doing their offices: and it is to



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Good, that in the cases above rehearsed, that ought to be treason which extends to our lord the king, and his estate: and of such treason the forfeiture of the escheats to our sovereign lord, as well of the lands and tenements of other, as of himself: and moreover there is another manner of treason, that is to say, when a servant slayeth his lord, or a wife her husband, or when a man secular slayeth his prelate, to whom he oweth faith and obedience: such manner of treason giveth forfeiture of escheats to the king of his own fee: and because that many other like cases may happen in time to come, which a man cannot declare at this present time; it is accorded, that if any man be supposed treason, which is not above specified, doth not know, before any justices, the justices shall tarry with him, going to judgment of the treason, till the case be showed to the king in his parliament, and it be declared, whether it be judged treason or else felony. And if perchance any man of this realm ride armed openly or secretly with men of arms, to slay any other, to rob him, or take him, or detain him till he hath made fine or ransom for to have him released, it is not the mind of the king nor his council, that it shall be judged treason, but shall be judged felony or trespass, according to the laws of the land of old times.

## 73. Statute of Præmunire

(September, 1353. French text and translation, 1 *S. R.* 329. 2 Stubbs 430, 3 Stubbs, 341.)

\* \* \* \* \*

**I .** FIRST, because it is showed to our lord the king, by the grievous and clamorous complaints of the great men and commons aforesaid, how that divers of the people be, and have been drawn out of the realm to answer of things, whereof the cognizance pertaineth to the king's court; and also that the judgments given in the same court be impeached in the court of another, in prejudice and disherison of our lord the king, and of his crown, and of all the people of his said realm, and to the undoing and destruction of the common law of the same realm at all times used: whereupon, good deliberation had with the great men and other of his said council, it is assented and accorded by our lord the king, and the great men and commons aforesaid, that all the people of the king's liegeance of what condition that they be, which shall draw any out of the realm in plea, whereof the cognizance pertaineth to the king's court, or of things whereof judgments be given in the king's court, or which do sue in the court of another, to defeat or impeach the judgments given in the king's court, shall have a day containing the space of two months, by warning to be made to them in the place where the possessions be, which be in debate, or otherwise where they have lands or other possessions, by the sheriffs, or others the king's ministers, to appear before the king and his council, or in his chancery, or before the king's justices in his places of the one bench or the other, or before other the king's justices which to the same shall be deputed, to answer in their proper persons to the king, of the contempt done in this behalf; and if they come not at the said day in their proper person to be at the law, they, their procurators, attorneys, executors, notaries, and maintainors, shall from that day forth be put out of the king's protection, and their lands, goods, and chattels forfeit to the king, and their bodies, where-soever they may be found, shall be taken and imprisoned, and ransomed at the king's will; and upon the same a writ shall be made to take them by their bodies, and to seise their lands, goods, and possessions into the king's hands; and if it be returned that they be not found, they shall be put in exigent, and outlawed.

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always, that at what time they come before they be  
and will yield them to the king's prison to be justified  
and to receive that which the court shall award in this  
they shall be thereto received; the forfeiture of the  
, and chattels abiding in their force, if they do not  
within the said two months, as afore is said.

• • • • •

### 74. Ordinance of the Staples

1353. French text and translation, 1 *S. R.* 332. 2 Stubbs, 431 - )

by the grace of God king of England and of France,  
of Ireland, to all our sheriffs, mayors, bailiffs,  
and other our faithful people to whom these presen  
come, Greeting: Whereas, good deliberation ha  
lates, dukes, earls, barons and knights of the cour  
to say of every county, one for all the county, and o  
of cities and boroughs of our realm of England  
our great council, holden at Westminster the Mon  
the feast of Saint Matthew the apostle, the sever

Waterford, Cork, and Drogheda, and not elsewhere: and that all the said wools, as well old as new, woolfells, leather and lead, which shall be carried out of the said realm and lands, shall be first brought to the said staples, and there the said wool and lead, betwixt merchant and merchant, or merchant and others, shall be lawfully weighed by the standard; and that every sack and sarpler of the same wools so weighed, be sealed under the seal of the mayor of the staple; and that all the wools so weighed and sealed at the staple of York, Lincoln, Norwich, Westminster, Canterbury, and Winchester, and also leather, woolfells, and lead which shall come there, the customs of the staple thereof paid, shall be witnessed by bill, sealed with the seal of the mayor of the staple, and brought to the ports underwritten, that is to say; from York to Hull, from Lincoln to Saint Botolf, from Norwich to Great Yarmouth, from Westminster to London, from Canterbury to Sandwich, and from Winchester to Southampton; and there the said wools and lead shall be another time weighed by our customers assigned in the same ports; and all the wool and lead brought to the said ports of Newcastle, Chichester, Exeter, Bristol, Carmaerthen, Dublin, Waterford, Cork, and Drogheda, where the other staples be holden, shall be but once weighed by the standard betwixt merchant and merchant, or merchant and other, in presence of our customers there; and an indenture shall be made betwixt the mayor of the staple being in the port of the sea, and our customers there, of all the wools and lead so weighed, and also of all the leather and woolfells which shall come to the said staples to pass there: and the same wools and lead, and also the leather and woolfells customed and cocketed, and the customs thereof duly paid to our said customers in all these said ports, that is to say, of denizens for the time that they have passed, half a mark of a sack of wool, half a mark of three hundred woolfells, a mark of a last of leather, and of aliens ten shillings of a sack of wool, ten shillings of three hundred woolfells, and twenty shillings of a last of leather, and three pence of every twenty shillings of lead, then the said merchandises shall be carried by merchants strangers which have bought the same, and not by Englishmen, Welshmen, nor Irishmen, to the parts beyond the sea out of the said realm and lands, to what parts it shall please the said merchants strangers: and that the said mayor and customers shall delay no man willingly for gain; nor for such cause, nor in other manner, shall any take of any person to do that which pertaineth to their office, upon pain of imprisonment, and to pay the party the double of that which they have so taken, and also of that which

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shall be endamaged because of such taking or delay, and  
be ransomed at our will, but shall hold them content of  
n they did take in certain to do their office: and that  
r of the staple and customers take an oath of all the mer-  
ch which so shall pass with wools, leather, woolfells and lead  
shall hold no staple beyond the sea, of the same  
lises.

on, \* \* \* we have ordained and established, that all  
s strangers, which be not of our enmity, of what land or  
at they be, may safely and surely under our protection  
conduct come and dwell in our said realm and lands  
y will, and from thence return with their ships, wares  
anner of merchandises, and freely sell their merchan-  
he staple and elsewhere within the same realm and lands,  
at will buy them, paying the customs thereof due. \* \* \*

\* \* \*



## Protest of Parliament against Legislation by Ordinance

1213. French text, 2. 4. 2. 5. 1. Translation by J. H. S.

## 76. Certain Ordinances confirmed by Parliament

(May, 1354. French text, 2 *R. P.* 257. Translation by Editors. 2 Stubbs, 429.)

16. AND so the said commons prayed in this parliament, ~~that~~ the ordinances of the staple and all the other ordinances ~~made~~ at the last council held at Westminster the Monday ~~after~~ the feast of Saint Matthew the apostle last past, which ~~hey~~ had considered with good deliberation and counsel and ~~which~~ seemed to them good and profitable for our lord the king ~~and~~ all his people, be affirmed in this parliament and held for a statute to endure forever. To which prayer the king and all the great men unanimously agreed, as at all times, that if anything is to be added it shall be added, or if anything is to be repealed it shall be repealed in parliament, whenever it shall be necessary, and in no other manner.

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## 77. An Act concerning Justices of the Peace

(February, 1361. French text and translation, 1 *S. R.* 364. 2 Stubbs, 286.)

\* \* \* \* \*

1. FIRST, that in every county of England shall be assigned for the keeping of the peace, one lord, and with him three or four of the most worthy in the county, with some learned in the law, and they shall have power to restrain the offenders, rioters, and all other barrators, and to pursue, arrest, take, and chastise them according their trespass or offence; and to cause them to be imprisoned and duly punished according to the law and customs of the realm, and according to that which to them shall seem best to do by their discretions and good advisement; and also to inform them, and to inquire of all those that have been pillors and robbers in the parts beyond the sea, and be now come again, and go wandering, and will not labor as they were wont in times past; and to take and arrest all those that they may find by indictment, or by suspicion, and to put them in prison; and to take of all them that be not of good fame, where ~~they~~ shall be found, sufficient surety and mainprise of their good

behavior towards the king and his people, and the other duly to punish; to the intent that the people be not by such rioters or rebels troubled nor endamaged, nor the peace blemished, nor merchants nor other passing by the highways of the realm disturbed, nor put in fear by peril which might happen of such offenders; and also to hear and determine at the king's suit all manner of felonies and trepasses done in the same county according to the laws and customs aforesaid; and that writs of oyer and determiner be granted according to the statutes thereof made, and that the justices which shall be thereto assigned be named by the court, and not by the party. And the king will, that all general inquiries before this time granted within any seignories, for the mischiefs and oppressions which have been done to the people by such inquiries, shall cease utterly and be repealed: and that fines, which are to be made before justices for a trespass done by any person, be reasonable and just, having regard to the quantity of the trespass, and the causes for which they may be made.

\* \* \* \* \*

## 78. Purveyance, English to be used in the Courts, etc.

(November, 1362. French text and translation, 1 *S. R.* 371. 2 Stubbs, 434.)

\* \* \* \* \*

2. ITEM, for the grievous complaint which hath been made of purveyors of victuals of the houses of the king, the queen, their eldest son, and of other lords and ladies of the realm, the king of his own will, without motion of the great men or commons, hath granted and ordained in ease of his people, that from henceforth no man of the said realm shall have any taking, but only himself and the queen his companion; and moreover, of the assent aforesaid, it is ordained and established, that upon such purveyances from henceforth to be made for the houses of the king and the queen, ready payment shall be made in hand, that is to say, the price for which such victuals be sold commonly in the markets about: \* \* \*

\* \* \* \* \*

11. Item, the king by the assent aforesaid having regard to the great subsidy that the commons have granted now in this parlia-

ment, of wools, leather, and woolfells to be taken for three years, wills and grants that after the said term passed, nothing be taken nor demanded of the said commons, but only the ancient custom of half a mark; nor that this grant now made, or which hath been made in times past, shall not be had in example nor charge of the said commons in time to come: and that the merchants denizens may pass with their wools as well as the foreigners, without being restrained; and that no subsidy, nor other charge, be set nor granted upon the wools, by the merchants nor by none other from henceforth, without the assent of the parliament.

12. Item, that in the commissions of justices of the peace, and of laborers, express mention be made, that the same justices make their sessions four times by the year, that is to say, one session within the utas of the Epiphany, the second within the second week of Mid-Lent, the third betwixt the feasts of Pentecost and of Saint John Baptist, the fourth within the eight days of Saint Michael.

\* \* \* \* \*

15. Item, because it is often showed to the king by the prelates dukes earls, barons, and all the commonalty, of the great mischiefs which have happened to divers of the realm, because the laws, customs, and statutes of this realm be not commonly known in the same realm, for that they be pleaded, showed, and judged in the French tongue, which is much unknown in the said realm; so that the people which do implead, or be impleaded, in the king's court, and in the courts of other have no knowledge nor understanding of that which is said for them or against them by their sergeants and other pleaders; and that reasonably the said laws and customs shall be the more soon learned and known, and better understood in the tongue used in the said realm, and by so much every man of the said realm may the better govern himself without offending of the law, and the better keep, save, and defend his heritage and possessions; and in divers regions and countries where the king, the nobles, and other of the said realm have been, good governance and full right is done to every person, because that their laws and customs be learned and used in the tongue of the country: the king, desiring the good governance and tranquillity of his people, and to put out and eschew the harms and mischiefs which do or may happen in this behalf by the occasions aforesaid, hath ordained and established by the assent aforesaid, that all pleas which shall be pleaded in his court whatsoever, before any of his justices whatsoever, or in his other



places, or before any of his other ministers whatsoever, or in the courts and places of any other lords whatsoever within the realm, shall be pleaded, showed, defended, answered, debated, and judged in the English tongue, and that they be entered and inrolled in Latin; and that the laws and customs of the same realm, terms, and processes, be holden and kept as they be and have been before this time; and that by the ancient terms and form of pleaders no man be prejudiced, so that the matter of the action be fully showed in the declaration and in the writ: and it is accorded by the assent aforesaid, that this ordinance and statute of pleading begin and hold place at the fifteenth of Saint Hilary next coming.

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## 79. Refusal of Tribute to the Pope

(May, 1366. French text, 2 *R. P.* 290. Translation by Editors.  
2 Stubbs, 435.)

7. \* \* \* HE (the chancellor) told them how the king had heard that the pope, by force of an agreement which he said that king John had made with the pope, to do him homage for the realm of England and the land of Ireland, and that by reason of the said homage, he ought to pay each year foreyer a thousand marks, is minded to institute process against the king and his realm for the said service and to recover the tribute. Wherefore the king prayed the said prelates, dukes, earls, and barons for their advice and good council, as to what he should do in case the pope should proceed against him or his said realm for that cause. And the prelates asked the king to allow them to take counsel by themselves alone and to answer on the morrow. On the said morrow, first the prelates by themselves, and then the other dukes, earls, barons, and great men answered and said, that neither the said king John, nor any other could put himself nor his realm nor his people in such subjection, without their assent and accord. And the commons having been questioned upon this and having taken counsel answered in like manner. \* \* \*

## 80. Lawyers and Sheriffs excluded from Parliament

(November, 1372. French text and translation, 1 *S. R.* 394. 2 Stubbs, 445.)

**W**HEREAS men of the law who follow divers businesses in the king's courts on behalf of private persons, with whom they are, do procure and cause to be brought into parliament many petitions in the name of the commons, which in no wise relate to them, but only the private persons with whom they are engaged; also sheriffs who are common officers for the people, and ought to be abiding in their office, for the doing right to every one, are named, and have heretofore been and returned to parliament knights of the shires, by the same sheriffs; it is accorded and assented in this parliament, that hereafter no man of the law following business in the king's court, nor any sheriff for the time that he is sheriff, be returned nor accepted knights of the shires; nor that they who are men of the law and sheriffs now returned to parliament have any wages; but the king willeth that knights and sergeants of the most worthy of the county be hereafter returned knights in parliament; and that they be elected in full county.

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## 81. Grant of Tunnage and Poundage, by Citizens and Burgesses alone

(November, 1372. French text, 2 *R. P.* 310. Translation by Editors. 2 Stubbs, 444, 557.)

14. **AND** after this leave was given to the knights of the shires to depart and to sue out their writs for their expenses. And so they departed.

15. But the citizen and burgesses who had come to the said parliament, were commanded to tarry for certain reasons, which citizens and burgesses, the next day after, having assembled before the prince and others, prelates and great men, in a chamber near the white chamber, it was shown to them, how the year before, grant had been made for a certain term for the safe and sure conduct of the ships and merchandises coming to this land by sea and passing from it, a subsidy, that is to say, on each tun of wine coming into this land, two shillings, and of each pound

of merchandise of what sort soever, both that entering and that leaving, six pence, which term is already past. That they in consideration of the perils and mischiefs which might come to their ships and merchandises at the hands of enemies on the sea, should will to grant such a subsidy to endure for a year, for the said reasons. Which subsidy they granted to the king to take and to levy in the manner in which it was taken and levied in the year last past. And so they departed.

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## 82. Impeachment of Richard Lyons

(May, 1376. French text, 2 *R. P.* 323. Translation by Editors.  
2 Stubbs, 451, 593.)

17. FIRST, Richard Lyons, merchant of London, was impeached and accused by the said commons of many deceptions, extortions, and other crimes committed by him against the king our lord, and against his people as well during the time when he was in attendance upon the household and council of the king as also during the time when he was farmer of the subsidies and customs of the king. And especially because the said Richard, by covenant made between him and certain of the privy council of our lord the king to secure their own profit and advantage thereof, has procured the making of many patents and writs of licence for carrying great quantities of wool, woolfells, and other merchandises to places outside of the staple of Calais, contrary to the ordinances and prohibitions made before this time in parliament, to the damage of the same staple of Calais and of the revenue there, to the great damage of the king and of the realm of England and to the ruin of the city of Calais aforesaid. And also, because he has put and procured to be put upon the wool, woolfells, and other merchandises, certain new impositions without the assent of parliament, and he has levied and collected those impositions largely for his own use and for the use of those about the king who are of the said covenant, without the oversight or witness of any comptroller, and without his being charged by record or otherwise except at his will, but he alone is sole treasurer and receiver, and the high treasurer of the realm does not interfere at all. And it is commonly said that he takes in certain from a parcel ten shillings, and from other parcels twelve pence, from each sack etc., which

amounts to a vast sum for all the time that he has been receiver and treasurer thereof, as is aforesaid. And likewise of another new imposition of four pence made and put by him upon each pound of coin sent abroad by Lombards and other merchants, in the way of exchange, by his own authority and without warrant or assent of parliament, or otherwise. And this same imposition of four pence on the pound, a great portion collected and held for the use of the king, he pays our lord the king nothing thereof. And also of various loans made for the use of the king without necessary cause: and especially of one loan which was recently made in London of twenty thousand marks, for which twenty thousand marks our lord the king was obliged to repay thirty thousand marks; and this by the advice of the said Richard, and of other privy councillors about the king, who had agreed with the creditors to receive part of the profit, and to be partners secretly in the said loan: to which loan the said Richard furnished his own money and afterwards gained by way of usury from the king his lord, of whose council he had formerly been a member, a great quantity of coin to the great damage and deception of the king. And also of many other extortions, frauds, deceptions, oppressions, champerties, and maintenances, committed against our lord the king and against his people, in every part of the realm, as well during the time that the said Richard was farmer of the subsidies and customs of the king throughout the realm, and thus acted toward him and his council, and treasurer or receiver of the said new impositions, as at other times, by taking upon himself notoriously the royal power in all the said things, which would have been a horrible matter to rehearse in full. And also in that when the king our lord was debtor of record for many great sums of money to various persons, the said Richard by the assent of other privy councillors about the king, of his said covenant, made bargains in many such debts, some at one time for the tenth penny and at another time for the twentieth or the hundredth penny, and obtained the payment of the entire debt by the king. And also by his subtleties of this sort, and for his personal profit, both the king our lord and the said debtors were foully deceived; and especially the prior of Saint John of Jerusalem in England, to whom the king was debtor for a certain sum, and the said Richard had thereof four marks out of every twenty as brokerage, for obtaining for the prior the payment of the balance. And at another time of the lord le Despenser, to whom the king was also debtor; and the said Richard obtained from him, in the same manner another large sum of money. And

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many others, to the great deception, slander, and degradation of the king and of his court.

To which the said Richard, being present in parliament, that as to the loan made to the king of the twenty thousand marks aforesaid, he was entirely free from any blame. And he said that he had thereof neither profit nor gain, nor furnish anything to the loan aforesaid, in money, nor in any other way: and this he was ready to prove by all the reasonable means that might be demanded. And as to the said imposition of ten shillings and of twelve pence on the sack of wool and of four pence on the pound of coin he could not excuse himself of having also levied and collected them taking thereof a portion for himself that is to say, twelve pence from each sack of wool, etc. But this he did, he said, at the express command of our lord the king and at the prayer and consent of the merchants who asked for such licences. As to the residue of those impositions, he had caused them to be entirely delivered to the receiver of the chamber of the king. And he accounted therefor fully in the said chamber. And the said Richard was told that for it he ought to produce the warrant or authority of which he had done the said things. But no warrant nor authorization was produced in parliament under the seal of the king, nor otherwise save only that he said, that

tenements, goods, and chattels; and there willed and granted that his person, lands, goods, and chattels should be at the mercy of the king to ordain and to do therewith as was his pleasure: requesting the king to grant him his life, if it were his pleasure; and if that were not his pleasure, that he should do with him and his, his entire will. Wherefore it is also adjudged that all his lands, tenements, goods, and chattels be seised into the hands of the king, and that his person remain in prison, during the king's pleasure. And as to the extortions committed by the said Richard or his deputies during the time that he was farmer of the said subsidies or custom, as is above said, it is ordained in parliament, that good inquisition be made by proper persons in all the ports of England.

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### 83. Grant of a Poll Tax, and Petition for special Treasurers

(February, 1377. French text, 2 *R. P.* 364. Translation by Editors.  
2 Stubbs, 459.)

19. THE noble lords and commons assembled in this parliament perceiving clearly the great charges and the very grievous and insupportable expenses which our lord the king makes and still must needs make more and more every day, as well, that is to say in the maintenance of the war and the defense of the realm of England, as otherwise, of their common assent and free will, have granted to our said lord the king in maintenance of his said wars, four pence to be taken of the goods of each person of the said realm, as well males as females, above the age of fourteen years. Excepting only genuine mendicants without fraud. Praying most humbly to their said liege lord that it will please him to excuse them because they are not now able to grant a greater subsidy: for, they would have been most willing to do this, if it had not been that they had been so impoverished in the past, as well by great losses on the sea, as otherwise by bad years which had befallen them so that they are not able to do more at present.

20. And also the said commons pray that it may please our lord the king to name two earls and two barons, of those who shall seem to him best, who shall be guardians and treasurers as well of this subsidy now granted and of the subsidy which the clergy

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and is yet to grant to the king our lord, as of the subsidy  
of leather, and woolfells granted in the last parliament:  
that these four earls and barons be sworn in their presence  
that whatever is received by them of the said subsidies shall be  
expended for the said wars and for no other work; and  
the high treasurer of England shall receive nothing of it and  
shall not meddle in it in any manner.

### Persons appointed to supervise Expenditures

French original, 3 R. P. 7. Translation by Editors. 2 Statute,  
465, 597.)

WE, the lords and commons of the realm of England,  
seeing clearly the great peril of the realm, that it is on  
the point of being lost, if God does not give a remedy for it  
speedily, amid the great wars which are waged against it  
so openly on either side as well by land as by sea, and  
there is more to be feared than ever before: And therefore  
we have appointed the expenditures which must be made for the conduct  
of the realm in resisting so many enemies and for the  
rescue of the realm aforesaid, for the aid of our lord the

## Account of Expenditures required by Parliament 137

accepted their charge and they took oath and swore in the presence of the king himself in full parliament to do this faithfully. Saving always to the king, that he should be repaid first for the sum expended by him and paid for this last expedition by sea, which amounts to more than fifteen thousand pounds sterling, for which the king is still debtor to his creditors.

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### 85. Account of Expenditures required by Parliament

(1378. French original, 3 *R. P.* 35. Translation by Editors. 2 Stubbs, 467, 598.)

20. AND thereupon the commons, after considerable deliberation, make request once more to our lord the king that it may please him to communicate to his said commons how and in what manner were expended the said great sums thus given and granted for the said war; and that proper order should be made, that if it should so happen that any lord or any other person engaged for the last expedition or anywhere else had a smaller number of men to his credit than he had engaged to have with him and had received wages and money of the king, that surplus money over and above the wages of the men shown should be repaid to our said lord the king to be used for the war, in discharge, therefore of the commons aforesaid. And they also make request that it may please our lord the king to grant that the commons shall be informed of the names of those who are to be the great officers of the realm and of those who are to be councilors to our lord the king and governors of his person, inasmuch as he is thus of tender age, for the ensuing year, according to the manner at other times ordained in parliament.

21. To which answer was made by the said Monsieur Richard at the said commandment that it had never been known that, of a subsidy or other grant made to the king in parliament or out of parliament by the commons, an account had afterwards been rendered to the commons or to any one else except to the king and his officers; nevertheless that our said lord the king wills and commands, for the satisfaction of his commons, of his own motion, without doing it of right or by constraint of the said request now made to him, that the said William Walworth here present together with certain other persons of the council of our



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king assigned thereto by the king, shall clearly set forth writing the receipts and expenditures made therefor, on ment, that this shall not in future be considered a prece- an inference that this should have been done otherwise the personal volition and command alone of our said king as has been said. And as to the surplus of the received over and above the men shown, you shall know belongs to our said lord the king and his ministers of equer and to no one else; and those of the exchequer not pay any attention to such matters nor should they keep of these things, but that the greatest lord of England do it.

to the said officers and councillors, our said lord the the advice of the lords has chosen the said officers, and councillors shall be of such as shall please him, as soon as be able to attend to it; of which names you shall be duty, if it please the king.

• • • • •

### The King orders Accounts submitted to Parliament

French original, 3 R. P. 56. Translation by Editors. 2 Stubbs, 468, 698.)

that you [Parliament] may be fully informed of the of the said necessary expenditures made and to be treasurers for the said war shall be present and shall

## King orders Accounts submitted to Parliament 139

done and ordained in this parliament to all men, as well to the least as to the greatest; and that this present parliament shall continue from day to day until the king our lord shall give you his leave and license to depart.

Item 2. These are the names of the prelates and lords appointed to examine the estate of the king, at the request of the commons; that is to say, the archbishop of Canterbury, the bishop of London, the bishop of Rochester, the Earl of March, the earl of Warwick, the earl of Stafford, the Lord Latimer, Guy de Brienne, or John Cobham, and Roger Beauchamp. First, to examine the revenues accruing from the subsidy of wools received since the last feast of St. Michael and which probably will be received before the coming feast of St. Michael. Item, to examine as well all the revenues of the realm received since the said time, also the revenues of the alien priors and the ancient maletote of wools, the vacancies of the bishoprics and abbeys, and all other profits whatsoever, and those which will probably be received and levied before the said feast of St. Michael, both by the hands of the treasurer of war as the collector and of the chamberlain of the chancery and all other offices whatsoever of our lord the king. Item, to examine what manner of fees or wages were used to be taken by the grand and petty officers of the king in the time of King Edward, the grandfather of our lord who now is. Item, to examine what annuities granted by our lord the king, the said grandfather, and by the prince, whom God assoil, were paid. Item, to examine the properties of the royal grandfather, that is to say, where they have gone and into whose hands, and what persons were paid in discharge of the alms of the said grandfather; and what part thereof remains for the use of our lord the king; and what has become of the rest. And that those who have the distribution thereof be held to account by the said lords, and whether they have come to the profit of the king in discharge of his people, or not. Item, to look over and examine the sum of the expenses of the household of our lord the king, calling before them the officers of the aforesaid household, the better to inform themselves. Item, the wardships, marriages, forfeitures and escheats. Item, the revenues of Calais, and the other castles and fortresses, the other revenues of the war by sea and by land. Item, the revenues of Bordeaux, that is to say, of wine and money, and other such profits. Item, the subsidy of cloths, that is to say, the cloth with the seal eighteen pence. Item, the profits from the possessions of the rebellious cardinals. Item, to see to it that those who have taken

wages for the war be made to give account of them and to answer for that which remains in their hands. Item, of the moneys called Roman pence, which amounts to a great sum, and of the arrears of many years. And be it remembered that the said lords appointed have themselves the command of the king in parliament to enter, that is to say, altogether or three of them at least, of whom one should be of each rank, the places and offices of the king which shall be necessary for this matter, with the officers or guardians of the same, and to examine together with the said officers the rolls, accounts, and whatsoever other things touch upon this matter, and to do and accomplish as much as is said above and to report distinctly to our said lord the king and to his council what they shall have done or found, with their best advice on this matter. And our lord the king wills and commands all his officers and ministers of the said places to show to the said lords appointed, or three of them, the rolls, accounts, tallies, and whatsoever other evidences touch this matter and to attend them in the manner before said as much and as often as they shall be required by the said lords or any of them.

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### 87. The Poll-tax of 1379

-(1379. French original. 3 *R. P.* 57. Translation by Editors.  
2 Stubbs, 468.)

13. ITEM, the lords and commons of the realm of England sitting in this parliament grant for themselves and for all the commons of England the subsidy of wools, leather, and wool-fells; and another subsidy, to be taken of the goods of certain persons in the realm, under a certain form and manner embodied in a schedule made thereof and delivered before parliament, the tenor of which follows word for word :

The lords and commons of the realm of England considering the great needs of the said realm and the malice of the enemies in France and elsewhere, desiring the great recovery of the said realm and the destruction of the said enemies, \* \* \* grant, that if the mark on the sack of wools and the six pence on the pound which were granted at the last parliament held at Gloucester, be excused and annulled at present, the subsidy of wools to last for one entire year after the feast of St. Michael next to come; that is to say, on each sack as much as was granted before the said

# The Poll-tax of 1379

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ent of Gloucester, and a sum of money to be levied upon  
persons of the realm in the following manner, as well within  
al franchises as without; that is to say,

The Duke of Lancaster and the Duke of Brittany,

. . . . .	10 marks
h earl of England . . . . .	4 pounds
h widowed countess in England, the same as the earls .	4 pounds
h baron and banneret, or knight of equal wealth . . .	40 s.
h widowed baroness shall pay as the baron and each	
w of a knight as the knight . . . . .	40 s.
h bachelor and each esquire who by the statute ought	
e knight . . . . .	20 s.
h widowed lady, wife of a bachelor or esquire, accord-	
to her condition . . . . .	20 s.
h esquire of less estate . . . . .	6 s. 8 d.
h widow of such an esquire or merchant of sufficient means	6 s. 8 d.
h esquire possessing neither land nor rent, nor castles,	
is in service, or under arms . . . . .	3 s. 4 d.
chief prior of the Hospital of St. John, as a baron . .	40 s.
h commander of this Order of England, as a bachelor .	20 s.
h other brother knight of the said Order . . . . .	13 s. 4 d.
the other brothers of the said Order, each as an esquire	
out possessions . . . . .	3 s. 4 d.
, each justice, as well of one bench as of the other, and	
e who have been justices of the same benches, and the	
f baron of the exchequer, each . . . . .	100 s.
h sergeant and greater apprentice of the law . . . . .	40 s.
er apprentices who follow the law, each . . . . .	20 s.
the other apprentices of less estate, and attorneys, each .	6 s. 8 d.
, the mayor of London pays as an earl . . . . .	4 pounds
aldermen of London, each as a baron . . . . .	40 s.
the mayors of the large towns of England, each as a baron .	40 s.
other mayors of the other small towns, according to the	{ 20 s., 10 s., or 1/2 mark
lition of their estate . . . . .	
he aldermen of the large towns, and the great merchants	
ie realm, pay as bachelors . . . . .	20 s.
er merchants of sufficient means . . . . .	13 s. 4 d.
the lesser merchants and artificers who have profit	{ 6 s. 8 d., 3 s. 4 d., 2 s., 12 d., or 6.
ie land, according to the condition of their estate	

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ch sergeant and franklin of the country, according to his	
c . . . . .	{ 6s. 8d. 40d.
farmers of the manors, benefices, and granges, merchants	
attle and of other small merchandise, according to their	{ 1/2 mark, 40d., 2s., or 12d.
se . . . . .	
, all the advocates, notaries, and married solicitors pay	
ergeants of the law, apprentices of the law, and attorneys,	{ 40s., 20s., or 1/2 mark
according to his estate . . . . .	
married pardoners, and summoners, each according to his	{ 3s. 4d., 2s., or 12d.
se . . . . .	
the hostlers who do not belong to the estate of merchant,	{ 40d., 2s., or 12d.
according to his estate . . . . .	
ch married man, for himself and his wife, who do not	
ng to the above named estates, above the age of sixteen,	
nt veritable beggars . . . . .	4d.
n single man and woman of such condition and above the	
age . . . . .	4d.
foreign merchant, of whatsoever estate he may be, pays	

by the females, of whatsoever estate or condition they may be, who have passed the age of fifteen years, three groats, except the very beggars, who shall be charged nothing. Saving always that the levy be made in such order and form that each layman shall be charged fairly according to his condition and in the following manner: that is to say, that for the whole sum assessed in each town the wealthy according to their condition shall aid the poorer; provided that the most wealthy shall not pay above the sum of sixty groats for himself and his wife, and no person less than one groat for himself and his wife: and that no person be charged to pay except in that place where he and his wife and children live or in the place where he lives in service. And that all artificers, laborers, servants, and other laymen as also all servants whatsoever living with prelates and lords temporal, abbots, priors of collegiate churches, clerks of the chancery, and in the common bench, the king's bench, the exchequer, the receipt and with all other officers, knights, esquires, merchants, citizens, burgesses, and with all other persons, that each of them be assessed and taxed according to the condition of his estate and in the said form. And that commissions be given to a sufficient number of persons, as well in the counties as in cities and boroughs, to be collectors and controllers of the sum aforesaid: and that they shall take an oath to discharge their duties well and loyally. And it is not the intention of the said commons to make this present grant for anything except only the sustenance of the earl of Buckingham and the other lords and men in his company in parts of Brittany and for the defense of the realm and safe-guard of the sea. And that this present grant should not be made nor taken in the form nor after the manner of any levy of groats before this time, but should be levied solely on persons now living; provided the two divisions of the said payment be made on the fifteenth of St. Hilary next to come, and the third part at the Feast of Pentecost next ensuing thereafter: provided always that no one of the knights, citizens, and burgesses who have come to this present parliament be made collector or controller of the sums aforesaid. And that it pleases our lord the king and his council to ordain for the said levy, as well of the servants of the household of our lord the king as of the other lords in the realm, that they should be evenly charged, according to the purport of this grant.

And the commons pray, that during the war justices in eyre and of trailbaston shall not go on circuit among the said poor commons, but that the justice of the peace hold their courts according to the tenure of their commission.

And the commons grant to our lord the king the subsidy on wools to last till the Feast of St. Martin next to come.

### 89. Merchants to use English Ships only. Charters granted the Peasants Annulled

(May, 1382. French text and translation, 2 *S. R.* 17. 2 Stubbs, 482.)

\* \* \* \* \*

3. ITEM, to increase the navy of England, which is now greatly diminished: it is assented and accorded, that none of the king's liege people do from henceforth ship any merchandise in going out or coming within the realm of England, anywhere, but only in ships of the king's liegeance; and every person of the said liegeance, which \* \* \* do ship and merchandise in any other ships \* \* \* shall forfeit to the king all his merchandises shipped in other vessels, wheresoever they be found hereafter, or the value of the same; \* \* \*

\* \* \* \* \*

6. Item, it is ordained, that all manner manumissions, obligations, releases, and other bonds made by compulsion, duress, and menace, in the time of this last rumor and riot against the laws of the land, and good faith, shall be wholly quashed, annulled and holden for void; and they that have done to be made, or do yet withhold such manumissions, obligations, releases, bonds, and other deeds so made by duress, shall be sent before the king and his council, thereof to answer there of their deed, and further shall be constrained to make delivery and restitution of the said deeds to them that made the same against their good will, with the copies of the same, if perchance they have thereof made any before, another time to use or renew the effect of the same if they may. And likewise it is accorded, that all entries made in lands or tenements, and also all feoffments made in the time of the same rumor by compulsion and menace, or otherwise with force of people, against the law, shall be void, and holden for none. And the king straitly defendeth to all manner of people, upon pain of as much as they may forfeit against him in body and goods, that none from henceforth make nor begin again, in any way, such riot and rumor, nor other like.

And if any the same do, and that duly proved, it shall be done of him as of a traitor to the king and to his said realm.

\* \* \* \* \*

8. Item, touching the charters, releases, obligations, and other deeds and muniments, burnt, destroyed, or otherwise elained in the same rumor, it is assented, that they which thereof feel them grieved, shall put their petitions distinctly made upon their matters specially before the king and his council, betwixt this and the Nativity of Saint John Baptist next coming at the furthest, and there make sufficient proof of the said muniments so lost, and of the form and tenor of the same; and that done, such remedy shall thereof be provided for them at every man's complaint, as best shall seem in the case, saving the law.

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## 90. An Act against Heretical Preaching

(May, 1382. French text and translation, 2 *S. R.* 23. 2 Stubbs, 487.)

\* \* \* \* \*

5. ITEM, forasmuch as it is openly known, that there be divers evil persons within the realm, going from county to county, and from town to town, in certain habits under dissimulation of great holiness, and without the licence of our holy father the pope, or of the ordinaries of the places or other sufficient authority, do preach daily, not only in churches and churchyards, but also in markets, fairs, and other open places, where a great congregation of people is, divers sermons containing heresies and notorious errors, to the great emblemishing of the Christian faith, and destruction of the laws, and of the estate of holy Church, to the great peril of the souls of the people, and of all the realm of England, as more plainly is found and sufficiently proved before the reverend father in God the archbishop of Canterbury, and the bishops and other prelates, and masters of divinity, and doctors of canon and of civil law, and a great part of the clergy of the said realm specially assembled for this cause; which persons do also preach divers matters of slander, to engender discord and dissension betwixt divers estates of the said realm, as well spiritual as temporal, in exciting of the people, to the great peril of all the realm: which preachers cited or summoned before the ordinaries of the places, there to answer of



that whereof they be impeached, will not obey to their summons and commandments, nor care not for their monitions, nor censures of the holy Church, but expressly despise them, and moreover by their subtil words do draw and beguile the people to hear their sermons, and to maintain them in their errors by strong hand and by great routs: it is ordained in this present parliament, that the king's commissions be directed to the sheriffs and other ministers of our sovereign lord the king, or other sufficient persons after and according to the certifications of the prelates thereof to be made in the chancery from time to time, to arrest all such preachers, and also their fautors, maintainers, and abettors, and to hold them in arrest and strong prison, till they will justify them according to the law and reason of holy Church: And the king will and commandeth, that the chancellor make such commission at all times, that he by the prelates or any of them shall be certified and thereof required, as is aforesaid.

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### 91. An Act to reform the Administration of Justice

(June, 1385. Latin text and translation, 2 *S. R.* 36. 2 Stubbs, 640.)

**T**O the honor of God, and at the request of the commonalty of the realm of England made to our lord the king in his parliament holden at Westminster in the morrow of Saint Martin, the eighth year of his reign; the same our lord the king of the assent of the prelates, great men, and commons aforesaid, hath caused to be made in the same parliament, a certain statute for the common profit of the said realm, and especially for the good and just governance, and due execution of the common law, in the form following.

1. First, it is accorded and statuted, that holy Church have all her liberties; and that the Great Charter, and the Charter of the Forest, the Statutes of purveyors and laborers, and all other statutes and ordinances heretofore made and not repealed, shall be holden and observed, and put in due execution according to the form and effect of the same.

2. Item, it is accorded and statuted, that no man of law shall be from henceforth justice of assizes, or of the common deliverance of jails in his own country; and that the chief justice of the common bench be assigned amongst others to take such

## **An Act to reform the Administration of Justice 147**

assizes, and deliver jails ; but as to the chief justice of the king's bench, it shall be as for the most part of an hundred years last past was wont to be done.

3. Item, whereas late in the time of the noble king Edward, grandfather of our sovereign lord the king that now is, it was ordained, that justices, as long as they should be in the office of justices, should not take fee nor robe of any except of the king, and that they should not take gift nor reward by them nor yet by other, privily nor openly, of any man which should have anything to do afore them in any wise, except meat and drink, of small value; and that they should not give counsel to any great or small in things or affairs, where the king is party, or which in any wise touch the king, upon a certain pain contained in the said ordinance: and in the same manner it is ordained of the barons of the exchequer, as in the said ordinance is more plainly contained; and the said ordinance being rehearsed in the parliament, it is accorded and statuted, that no justice of the king's bench nor of the common bench, nor none of the barons of the exchequer, as long as they shall be in the office of justice or barons, shall take from henceforth by himself or other, privily or openly, robe, fee, pension, gift, nor reward, of any but of the king, nor entertainment of any, except entertainment of meat and drink, which shall be of no great value. And that from henceforth they shall give no counsel to any, great or small, in things or affairs, wherein the king is party, or which in any wise touch the king, and that they be not of any man's counsel in any cause, plea, or quarrel, hanging the plea before them or in other of the king's great courts or places, upon pain of loss of their office, and making to the king fine and ransom.

\* \* \* \* \*

5. \* \* \* ; it is accorded and statuted, that all pleas and suits touching the common law, and which ought to be examined and discussed at the common law, shall not be hereafter drawn or holden by any means before the said constable and marshal, but that the court of the same constable and marshal shall have that which belongeth to the same court, \* \* \*

## 92. An Act regarding Fugitive Villeins

(December, 1385. French text and translation, 2 *S. R.* 38.)

\* \* \* \* \*

2. ITEM, whereas divers villeins and neifs, as well of great lords as of other people, as well spiritual as temporal, do flee into cities, towns, and places enfranchised, as the city of London, and other like, and feign divers suits against their lords, to the intent to make them free by the answer of their lords: it is accorded and assented, that the lords nor other, shall not be forbarred of their villeins, because of their answer in the law.

\* \* \* \* \*

## 93. Articles of Impeachment against Suffolk

(1386. French original. 3 *R. P.* 216. Translation by Editors.  
2 Stubbs, 497.)

IN this parliament, all the commons with one accord, assembled unanimously and came before the king, prelates and lords, in the chambers of parliament, complaining grievously of Michael de la Pole, earl of Suffolk, late chancellor of England, then present and accused him by word of mouth in the following manner, to wit:

6. First, that the said earl, being chancellor and sworn to promote the king's welfare, purchased from our lord the king lands, tenements, and rents, of great value as appears by record in the rolls of the chancery, contrary to his oath, whereas he had not deserved so much considering the great need of the king and of the realm: and besides this, because the said earl was chancellor at the time of the said purchase, the said lands and tenements were appraised at a less value than they were worth per year by a great sum, in deceit of the king.

Item, whereas nine lords were appointed at the last parliament to inspect and examine the estate of the king and the realm, and to give their advice as to how it could be best improved and brought under a better government and order; and on this inspection made and the report made to the king both by word of mouth and in writing, the said late chancellor had said in full parlia-

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nt, that the said advice and ordinance ought to be put into execution; and this was not done, and it was the fault of himself as he was then chief officer.

Item, whereas the tax was granted by the commons at the last parliament to be expended in a certain manner demanded by the commons and assented to by the king and lords, and not at all otherwise, the moneys arising therefrom were expended in another manner, so that the sea was not guarded in the manner which had been ordained; because of which many mischances had befallen the realm and very probably would in the future, and this because of the neglect of the said late chancellor.

Item, whereas a certain Tideman of Limburgh, who had for himself and heirs as the gift of the grandfather of the king fifty pounds yearly on the customs duties of Kingston on Hull which the said Tideman forfeited to the king, and also the payment of the said annual fifty pounds had been discontinued for twenty or thirty years, the said late chancellor knowing this, purchased from him the said annual fifty pounds from the heirs of the said Tideman the said annual fifty pounds and brought it about that the king confirmed the said purchase, whereas the king should have had the profit.

Item, whereas the chief master of St. Antony is a schismatic, and for this reason the king should have the profit which belongs to him in the kingdom of England, the said late chancellor, who should have promoted and secured the profit of the king, leased the said profit of the king for twenty marks per year and took the profit for his own especial use very nearly one thousand marks, and at the time when the master of St. Antony who is now in England should have had possession and delivery of the said profit, he was not able to have it until he and two persons with him had bound themselves by an acknowledgement in the chancery and by bonds in the sum of £3,000 to pay annually to the said late chancellor and to John his son one hundred pounds per year, for the term of both their lives.

Item, that in the time of the said late chancellor were granted and made divers charters and patents of murders, treasons, felonies, erasures of the rolls, sale of the laws, and in particular, at the beginning of this parliament, was made and sealed a charter of certain franchises granted to the castle of Dover, in derogation of the crown and the subversion of all the offices and rights of the king and of his laws.

Item, whereas ordinance was made at the last parliament for the town of Ghent providing that ten thousand marks should be paid as ransom and for this ransom three thousand marks should

be expended; because of the default and neglect of the said late chancellor the said town was lost; notwithstanding that the ten thousand marks had been paid and the said three thousand marks expended for the ransom, as has been said.

On all these articles the said commons demand the judgment of parliament.

## 94. Threat to depose Richard II

(1386. Latin original. Knighton's chronicle, Rolls Series, II. 219. Translation by Editors. 2 Stubbs, 497.)

**Y**ET one other thing remains of our message for us to announce to you on the part of your people. For they have it from an old statute, and in fact not very long ago put into force, which is to be regretted, that if the king from any malignant design or foolish contumacy or contempt or wanton wilfulness or in any irregular way should alienate himself from his people, and should not be willing to be governed and regulated by the laws, statutes and laudable ordinances of the realm with the wholesome advice of the lords and peers of the realm, but should headily and wantonly by his own mad designs work out his own private purpose, then it should be lawful for them with the common assent and consent of the people of the realm to depose the king himself from the royal throne and to elevate to the royal throne in his place some near kinsman of the royal line.

## 95. The Second Statute of Provisors

(May, 1390. French text and translation, 2 S. R. 68. 2 Stubbs, 430, 508, 612, 3 Stubbs, 309, 324, 338.)

2. **ITEM**, whereas the noble king Edward, grandfather to our lord the king that now is, at his parliament holden at Westminster, at the utas of the purification of our Lady, the five and twentieth year of his reign, caused to be rehearsed the statute made at Carlisle in the time of his grandfather king Edward, son of king Henry, touching the estate of the holy Church of England; the said grandfather of the king that now is, by the assent of the great men of his realm, being in the same parliament,

holden the said five and twentieth year, to the honor of God and of holy Church, and of all his realm, did ordain and establish, that the free elections of archbishoprics, bishoprics, and all other dignities and benefices elective in England, should hold from thenceforth in the manner as they were granted by his progenitors, and by the ancestors of other lords founders; and that all prelates and other people of holy Church, which had advowsons of any benefices of the gift of the king, or of his progenitors, or of other lords and donors, should freely have their collations and presentments; and thereupon a certain punishment was ordained in the same statute for them which accept any benefice or dignity contrary to the said statute made at Westminster the said twenty-fifth year, as afore is said; which statute our lord the king hath caused to be recited in this present parliament at the request of his commons in the same parliament, the tenor whereof is such as hereafter followeth: \* \* \*

\* \* \* \* \*

And further more our lord the king that now is, of the assent of the great men of his realm being in this present parliament, hath ordained and established, that for all archbishoprics, bishoprics, and other dignities and benefices elective, and all other benefices of holy Church, which began to be void in deed the twenty-ninth day of January, the thirteenth year of the reign of our lord king Richard that now is, or after, or which shall be void in time to come within the realm of England, the said statute made the said twenty-fifth year shall be firmly holden forever, and put in due execution from time to time in all manner of points; and if any do accept of a benefice of holy Church contrary to this statute, and that duly proved, and be beyond the sea, he shall abide exiled and banished out of the realm forever and his lands and tenements, goods and chattels shall be forfeit to the king; and if he be within the realm, he shall be also exiled and banished as afore is said, and shall incur the same forfeiture, and take his way, so that he be out of the realm in six weeks next after such acceptation; and if any receive any such person banished coming from beyond the sea, or being within the realm after the said six weeks, knowing thereof, he shall be also exiled and banished, and incur such forfeiture as afore is said; and that their procurators, notaries, executors, and summoners have the pain and forfeiture aforesaid. Provided nevertheless, that all they to whom our holy father the pope, or his predecessors, have provided any archbishopric, bishopric, or other dignity, or

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elective, or other benefices of holy Church, of the  
people of holy Church, in respect of any voidance  
the said twenty-ninth day of January, and thereof were in  
possession before the same twenty-ninth day, shall have  
by the said archbishoprics, bishoprics, dignities, and  
benefices peaceably for their lives, notwithstanding the  
and ordinance aforesaid. And if the king send by letter  
manner to the court of Rome, at the entreaty of any  
or if any other send or sue to the same court, whereby  
is done contrary to this statute, touching any archbish-  
shopric, dignity, or other benefice of holy Church within  
realm, if he that maketh such motion or suit be a pre-  
lately Church, he shall pay to the king the value of his tem-  
of one year; and if he be a temporal lord, he shall pay  
the value of his lands and possessions not moveable  
year; and if he be another person of a more mean estate,  
pay to the king the value of the benefice for which suit  
and shall be imprisoned one year. And it is the intent  
tute, that of all dignities and benefices of holy Church,  
ere void indeed the said twenty-ninth day of January,  
given, or to which it is provided by the pope before  
the twenty-ninth day, that they to whom such gifts or pro-  
made, may freely of such gifts and provisions sue  
the statute, provided that

## 96. Statute of Maintenance and Liveries

(May, 1390. French text and translation, 2 *S. R.* 74. 2 Stubbs, 509, 640, 3 Stubbs, 549.)

THE king to the sheriff of Kent, Greeting.

Whereas by the laws and customs of our realm, which we are bound, by the oath made at our coronation, to preserve, all our lieges within the same realm, as well poor as rich, ought freely to sue, defend, receive and have justice and right, and the accomplishment and execution thereof, in any our courts whatsoever and elsewhere, without being disturbed or oppressed by maintenance, menace, or in any other manner; and now so it is, that in many of our parliaments heretofore holden, and namely, in the parliaments last holden at Cambridge and Westminster, grievous complaint and great clamor hath been made unto us, as well by the lords spiritual and temporal as by the commons of our said realm, of great and outrageous oppressions and maintenances made to the damage of us and of our people, in divers parts of the same realm, by divers maintainors, instigators, barrators, procurors, and embraceors of quarrels and inquests in the country, whereof many are the more encouraged and bold in their maintenance and evil deeds aforesaid, because that they be of the retinue of lords and others of our said realm, with fees, robes, and other liveries, called liveries of company; We have ordained and straitly forbidden, by the advice of our great council, that no prelate, nor other man of holy Church, nor bachelor, nor esquire, nor other of less estate, give any manner of such livery called livery of company; and that no duke, earl, baron, or banneret give such livery of company to knight or esquire, if he be not retained with him for the term of his life for peace and for war, by indenture, without fraud or evil device, or unless he be a domestic and familiar abiding in his household; nor to any valet called yeoman archer, nor to other of less estate than esquire, if he be not, in like manner, a familiar abiding in his household. And that all lords spiritual and temporal, and all others of what condition or estate they be, shall utterly oust all such maintainors, instigators, barrators, procurors, and embraceors of quarrels and inquests from their fees, robes, and all manner of liveries, and from their service, company, and retainer, without receiving any such on their retainer, in any manner, in time to come; and that no lord spiritual nor temporal, nor any other, that hath or



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the people of his retinue, shall suffer any that belong to  
be a maintainer, instigator, barrator, procuror, or em-  
bracer of quarrels and inquests in the country, in any manner,  
nor put them away from his service and retinue, as afore-  
said, upon as it can be discovered; and that if any lord do oust  
any maintainer, instigator, barrator, procuror, or embracer  
of company for this cause, that then no other lord do retain  
him of his retinue nor of his company in any manner;  
and none of our lieges, great nor small, of what condition  
he be, whether he be of the retinue of any lord, or other-  
wise, whatever who belongeth not to any retinue, shall not under-  
take any quarrel other than his own, nor shall maintain it, by  
himself or by other, privily nor openly; and that all those who  
wear such livery called livery of company, contrary to  
the ordinance, shall leave them off altogether within ten  
days after the proclamation of this same ordinance, without using  
them any more afterwards; and that this our ordinance  
be firmly kept, and duly executed, in all points, as we  
command those who have or shall have people of their retinue, as by a  
statute in that which to them belongeth touching the same  
things, upon pain of imprisonment, fine, and ransom, or of  
being punished in other manner, according as shall be advised by  
our council: wherefore we command and charge you that  
the same be done and fulfilled, you cause to be published and

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things rising within the bodies of counties, as well by land, as by water, \* \* \* and also wreck of the sea, shall be tried determined, discussed, and remedied by the laws of the land, and not before nor by the admiral, nor his lieutenant in any wise. Nevertheless, of the death of a man, and of a mayhem done in great ships, being and hovering in the main stream of great rivers, only beneath the bridges of the same rivers most next to the sea, and in none other places of the same rivers, the admiral shall have cognizance, and also to arrest ships in the great fleets for the great voyages of the king and of the realm; saving always to the king all manner of forfeitures and profits thereof coming; and he shall have also jurisdiction upon the said fleets, during the said voyages only: saving always to the lords, cities, and boroughs their liberties and franchises.

5. Item, whereas it is contained in the statute *de religiosis*, \* \* \* and now of late by subtile imagination, and by art, and device, some religious persons, parsons, vicars, and other spiritual persons, have entered in divers lands and tenements, which be adjoining to the churches, and of the same, by sufferance and assent of the tenants, have made churchyards, and by bulls of the bishop of Rome have caused the same to be dedicated and hallowed, and in them do make continually parochial burying without licence of the king and of the chief lords; therefore it is declared in this parliament, that this is manifestly within the compass of the said statute. And moreover it is agreed and assented, that all they that be possessed by feoffment, or by any other manner, to the use of religious people, or other spiritual persons, of lands and tenements, fees, advowsons, or any manner other possessions whatsoever, to amortise them, and whereof the said religious and spiritual persons take the profits, that betwixt this and the feast of Saint Michael next coming, they shall cause them to be amortised by the licence of the king and of the lords, or else that they shall sell and aliene them to some other use between this and the said feast, upon pain to be forfeited to the king, and to the lords, according to the form of the said statute of religious, as lands purchased by religious people: and that from henceforth no such purchase be made, so that such religious or other spiritual person take thereof the profits, as afore is said, upon pain aforesaid; and that this same statute extend and be observed of all lands, tenements, fees, advowsons, and other possessions, purchased or to be purchased to the use of guilds or fraternities. And moreover it is assented, because mayors, bailiffs, and commons of cities, boroughs, and other towns which

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a perpetual commonalty, and others which have offices perpetual be as perpetual as people of religion, that from henceforth shall not purchase to them, and to their commons or offices the pain contained in the said statute *de religiosis*; \* \* \*

\* \* \* \* \*

Item, \* \* \* it is agreed and assented, that from henceforth of the king's subjects be compelled, neither by any means, to come nor to appear before the council of any lordly, to answer for his freehold, nor any for anything touching freehold, nor for any other thing, real or personal, that belongs to the law of the land in any manner: and if any find himself oppressed in time to come, contrary to this ordinance and agreement, he may complain to the chancellor for the time being, and shall give him remedy.

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### 98. The Second Statute of Praemunire

1393. 16 Richard II. c. 5. French text and translation, 2 *S. R.* 84. 2 Stubbs, 435, 509, 3 Stubbs, 341, 363.)

ITEM, whereas the commons of the realm in this presentment have showed to our redoubted lord the king, grie-

execution of such commandments, to the open disherison of the said crown, and destruction of the regalty of our said lord the king, his law, and all his realm, if remedy be not provided: and also it is said, and a common clamor is made, that the said father the pope hath ordained and purposed to translate some prelates of the same realm, some out of the realm, and some from one bishopric into another within the same realm, without the king's assent and knowledge, and without the assent of the prelates, which so shall be translated, which prelates be much profitable and necessary to our said lord the king, and to all his realm; by which translations, if they should be suffered, the statutes of the realm should be defeated and made void; and his said liege sages of his council, without his assent, and against his will, carried away and gotten out of his realm, and the substance and treasure of the realm shall be carried away, and so the realm destitute as well of council as of substance, to the final destruction of the same realm; and so the crown of England, which hath been so free at all times, that it hath been in subjection to no realm, but immediately subject to God in all things touching the regalty of the same crown, and to none other, should be submitted to the pope, and the laws and statutes of the realm by him defeated and avoided at his will, in perpetual destruction of the sovereignty of the king our lord, his crown, his regalty, and of all his realm, which God defend: and moreover, the commons aforesaid say, that the said things so attempted be clearly against the king's crown and his regalty, used and approved of the time of all his progenitors; wherefore they and all the liege commons of the same realm will stand with our said lord the king, and his said crown, and his regalty, in the cases aforesaid, and in all other cases attempted against him, his crown, and his regalty in all points, to live and to die; and moreover they pray the king, and him require by way of justice, that he would examine all the lords in the parliament, as well spiritual as temporal severally, and all the states of the parliament, how they think of the cases aforesaid, which be so openly against the king's crown, and in derogation of his regalty, and how they will stand in the same cases with our lord the king, in upholding the rights of the said crown and regalty: Whereupon the lords temporal so demanded, have answered every one by himself, that the cases aforesaid be clearly in derogation of the king's crown, and of his regalty, as it is well known, and hath been of a long time known, and that they will stand with the same crown and regalty in these cases specially, and in all other cases which shall be attempted against the same

crown and regalty in all points, with all their power: and over it was demanded of the lords spiritual there being, and procurators of others being absent, their advice and will in these cases; which lords, that is to say, the archbishops, bishops, and other prelates, being in the said parliament severally assembled, making protestations, that it is not their mind to affirm, that our holy father the pope may not excommunicate bishops, nor that he may make translation of prelates out of holy Church, answered and said, that if any execution or sentences made in the king's court, as before, be made by censures of excommunications be made against any bishop in England, or any other of the king's liege people, for that they have made execution of such commandments, and that no executions of such translations be made of any prelates in the same realm, which lords be very profitable and necessary to the said lord the king and to his said realm, or that his sage counsel, without his assent, and against his will, be read and carried out of the realm, so that the substance and treasure of the realm may be consumed, that the same is against the king and his crown, as it is contained in the petition before read; and likewise the same procurators, every one by himself assembled upon the said matters, have answered and said in this manner, and for their lords, as the said bishops have said and answered.

ordained in other statutes of provisors, and other which do sue in the court of another in derogation of the regalty of our lord the king.

## 99. New Definition of Treason

(September, 1397. French text and translation, 2 *S. R.* 94. 2 Stubbs, 520, 3 Stubbs, 537.)

\* \* \* \* \*

3. ITEM, it is ordained and stablished, that every man, which compasseth or purposeth the death of the king, or to depose him, or to render up his liege homage, or he that raiseth people and rideth against the king to make war within his realm, and of that be duly attainted and judged in the parliament, shall be judged as a traitor of high treason against the crown; and he for him and his heirs shall forfeit all the lands, tenements and possessions, liberties and all other hereditaments, which he hath or any other hath to his use, or had the day of the treason done, as well in fee tail as in fee simple, to the king and his heirs, as well such lands holden of other as of himself forever; and also such possession as other have to his use. \* \* \*

\* \* \* \* \*

## 100. Delegation of Powers by Parliament of Shrewsbury

(1398. French original, 3 *R. P.* 368, No. 74. Translation by Editors. 2 Stubbs, 522.)

[ITEM, the same Thursday, the commons prayed the king, as they had divers petitions before them both for special persons and others, neither read nor answered, and also several other matters and affairs which had been moved in the presence of the king, which, because of the shortness of the time, could not well be satisfactorily determined at present: That it should please the king to give full power to certain lords, and to other persons whom it should please him, to examine, answer, and determine the said petitions and the matters and affairs aforesaid and all the dependencies of the same. To which prayer the king assented. And thereupon, with the authority and assent of parliament, were

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and appointed John duke of Lancaster, Edmond duke of Gloucester, Edward duke of Albemarle, Thomas duke of Surrey, John earl of Exeter, John marquis of Dorset, Roger earl of March, Thomas earl of Salisbury, Henry earl of Northumberland, Thomas earl of Gloucester, Thomas earl of Worcester, and Thomas earl of Shire, or six of them; John Bussey, Henry Green, John Richard Chelmswick, Robert Teye, and John Golafre, coming for the parliament, or three of them, to examine, and plainly determine both all the said petitions and the contents contained in them, and all other matter and affairs moved in the presence of the king and all the dependences of the same petition, determined, according as it seemed best to them by their good advice and discretion in this matter by authority of the said king.

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### Grant of Subsidy for Life to Richard II by Parliament of Shrewsbury

French original, 3 R. P. 368, No. 75. Translation by Editors.  
(2 Stubbs, 522.)

On the same day, the commons of the realm, with assent of the lords spiritual and temporal, granted to the king the

commons with assent of the lords spiritual and temporal, have granted to our said lord the king one entire fifteenth and tenth, and one half-fifteenth and half-tenth, to be levied on the people in the manner customary before this time, to the terms underwritten: that is to say, one half-fifteenth and half-tenth, in the month of St. Michael next to come, and another half-fifteenth and half-tenth, on the fifteenth of Easter then next ensuing; and another half-fifteenth and half-tenth on the fifteenth of St. Michael thereafter next ensuing.

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## 102. Resignation of Richard II

(1399. Latin original, 3 *R. P.* 416. Translation by Editors. 2 Stubbs, 528, 529, 3 Stubbs, 14, 528.)

**I**N God's name, Amen. I, Richard, by the grace of God, king of England and France, and lord of Ireland, absolve all archbishops and bishops of the said kingdoms and lordships, and all other prelates whatsoever of secular or regular churches of whatsoever dignity, rank, state, or condition they may be, and dukes, marquises, earls, barons, knights, vassals, and vavassors and all my liege men, clerical or secular by whatsoever name they are known, from the oath of fealty and homage and all others whatsoever made to me and from every bond of allegiance, royalty and lordship with which they have been or are bound by oath to me, or bound in any other way whatsoever; and these and their heirs and successors in perpetuity from these bonds and oaths and all other bonds whatsoever, I relieve, free, and excuse; absolved, excused and freed as far as pertains to my person, I release them from every performance of their oath which could follow from their promises or from any of them; and all royal dignity and majesty and royalty and also the lordship and power in the said realms and lordship; and my other lordships and possessions or whatsoever others belong to me in any way, under whatsoever name they are known, which are in the aforesaid realms and lordships or elsewhere; and all right and color of right, and title, possessions, and lordship which I have ever had, still have or shall be able to have in any way, in these or any of them, or to these with their rights and everything pertaining to them or dependent upon them in any way whatsoever; from these or any of them; and also the command, government, and administration of such realms and lordships; and all and every kind of



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te and mixed sovereignty and jurisdiction in these realms  
rdships belonging to me or to belong to me; the name and  
and royal right and title of king, freely, voluntarily, une-  
ally, and absolutely, and in the best fashion, wise, and  
possible, in these writings I renounce, and resign as a  
and release in word and deed, and yield my place in  
and retire from them forever.

ng to my successors, kings of England, in the realms and  
ps and all other premises in perpetuity, the rights belong-  
to belong to them, in them or in any of them, I confess,  
edge, consider, and truly judge from sure knowledge  
in the rule and government of the said realms and lord-  
and all pertaining to them have been and am wholly insut-  
and useless, and because of my notorious deserts am not  
thy to be deposed. And I swear on these holy gospels  
ed bodily by me that I will never contravene these premises  
unciation, resignation, demise and surrender, nor will I  
them in any way, in deed or in word by myself or by  
or others, or as far as in me lies permit them to be con-  
ed or impugned publicly or secretly, but I will hold this  
ation, resignation, demise, and surrender unalterable and  
able and I will keep it firmly and observe it in whole and  
ry part so may God help me and these holy scriptures <

Then the aforesaid estate unanimously and amicably appointed certain commissioners, namely the bishop of St. Asaph, the abbot of Glastonbury, the earl of Gloucester, the lord of Berkeley, Thomas Erpingham and Thomas Gray, knights, and Wm. Thirning, justice, and then publicly deputed them to carry out the sentence of such deposition and to depose the said king Richard from all the dignity, majesty and honor of a king, in the place of and with the name and authority of all the aforesaid estates, as had been observed in like cases of the ancient custom of the realm. And thereupon the said commissioners, taking upon themselves the burden of such a commission and seating themselves before the said royal throne as the tribunal, some deliberation having been held previously respecting these things, brought the sentence of deposition reduced to writing, in the place of and with the name and authority of the aforesaid and they had the said sentence of the will and command of the commissioners, read and delivered by the said bishop of St. Asaph, their fellow commissioner and colleague, in the following words:

52. In the name of God, Amen. We, John bishop of St. Asaph, John abbot of Glastonbury, Thomas earl of Gloucester, Thomas lord Berkeley, Thomas Erpingham and Thomas Gray, knights, and William Thirning, justice, for the peers and nobles of the realm of England spiritual and temporal, and for the commons of the realm, representing all the estates of this realm, commissioners specially deputed for the writings below, seated before the tribunal, after having considered the very many perjuries, and the cruelty, and many other crimes of the said Richard, which he has committed and perpetrated in respect to his rule in the above mentioned realms and lordship throughout the time of his rule and having openly and publicly proposed, shown, and declared them in the presence of the said estates; which have been and are so public, notorious, plainly manifest, and famous that none have been able or are able to be concealed by subterfuge; and also by the confession of the aforesaid Richard who acknowledges and considers and truly judges from his own sure knowledge that he has been and is utterly insufficient and useless in the rule and government of the aforesaid realms and lordship and those things pertaining to them, and on account of his notorious deserts is not unworthy to be deposed, which was set forth previously by Richard himself, and published according to his will and command in the presence of the said estates, and by them made known and explained to the public, and diligent deliberation having previously been held concerning

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and all things involved in this business in the presence of the said estates and by us, in the representation, name and authority committed to us in the matter, for abundant reason and precaution for the rule and government of the said realms and lordship and the rights pertaining to them, we pronounce, and declare that Richard himself has been and is useless, feeble, utterly insufficient and unworthy; and because of the circumstances stated above and in consequence of them we pronounce and decree and declare him worthy to be deposed from all dignity and honor, if any dignity and honor of this sort be due to him, and by a like precaution, we depose him by our sentence in all and each of these writings. To the archbishops, bishops and prelates, dukes, marquises, counts, knights, vassals and vavassors, and other men of the said realms and lordship, and of other places subject to the said realms and lordship, their subjects and liegemen whomsoever, we expressly forbid that any one of them should in any way attend to the said Richard as if he were king or lord of the said realms and lordship.

Moreover in addition the said estates wishing that nothing be lacking which can be and ought to be required concerning these circumstances set down above, after having considered the same, appointed the same persons formerly nominated

which realm was in point to be undone for default of governance and undoing of the good laws.

54. After the lord spiritual and temporal and all the estates there present had considered this demand and claim singly and jointly what was to be judged concerning that demand and claim, the said estate with all the people, without any difficulty or delay, unanimously agreed that the aforesaid duke should reign over them. And as soon as the said king had showed to the estates of the realm the signet of king Richard, delivered to him as a token of good will as is clearly set forth, the aforesaid archbishop, taking the said king Henry by his right hand, led him to the aforesaid royal throne. And after the said king on bended knees before the said throne had prayed for a short time, the said archbishop of Canterbury, joining to himself the aforesaid archbishop of York, took the said king and caused him to sit on the aforesaid royal throne, while the people applauded vigorously with excessive joy.

#### 104. Act for the Security of the Subject and in Repeal of the Acts of the Parliament of Shrewsbury

(October, 1399. French text and translation, 2 S. R. 111. 3 Stubbs, 19.)

**H**ENRY, by the grace of God, king of England, and of France, and lord of Ireland, to the laud and honor of God, and reverence of Holy Church, for to nourish unity, peace, and concord in all parts within the realm of England, and for the redress and recovery of the same realm, which now of late hath been dangerously put to great ruin, mischief, and desolation; of the assent of the prelates, dukes, earls, and barons, and at the instance and special request of the commons of the same realm, assembled at his parliament holden at Westminster in the feast of St. Faith the Virgin, the first year of his reign, hath caused to be ordained, and established certain ordinances and statutes in form as hereafter followeth.

1. First, that Holy Church have and enjoy all her rights, liberties, and franchises, entirely and without inblemishing: and that the great charter, and the charter of the forest, and other good ordinances and statutes made in the time of his noble progenitors, and not repealed, be firmly holden and kept in all points: and that the peace within this realm be holden and kept,

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that all his lawful liege people and subjects may from hence safely and peaceably go, come, and dwell, according to the customs and usages of the same realm; and that good justice and right be done to every person.

Item, that no lord spiritual nor temporal nor other person, of what estate or condition that he be, which came with our sovereign lord the king that now is into the realm of England, nor none other persons, whatsoever they be, then dwelling within the same realm, and which came to the king in aid of him to overcome them that were against the good intent of our sovereign lord the king and the common profit of the realm, in which pursuit Richard late king of England the second after the conquest was pursued, taken, and put in ward, and yet remaineth in ward, impeached, grieved nor vexed, in person nor in goods, in the king's court nor in the court of none other for the pursuit of the king, taking and withholding of his body, nor for the pursuit of any other, taking of persons and chattels or of the death of any man, or any other thing done in the said pursuit, from the time that the said king that now is arrived, till the day of the coronation of our said sovereign lord king Henry. And the intent of this statute is not that offenders, which committed trespasses and offences out of the said pursuit without special warrant, be aided or have any advantage of this statute, but that

said, and all the circumstances and dependents thereupon, be wholly reversed, revoked, voided, undone, repealed, and annulled forever.

• • • • •

## 105. Haxey's Case

(1399. French original, 3 *R. P.* 434, No. 104. Translation by Editors.  
2 Stubbs, 516, 624.)

**[T]**EM, as at the parliament held at Westminster on the day of St. Vincent, in the twentieth year of King Richard, for the honor and profit of the said king and all the realm. Thomas Haxey, clerk, presented a bill to the commons of the said parliament; for which bill, by the wish of the said king, the said Thomas was adjudged a traitor, and forfeited all that he had, contrary to the right and the custom which had been used before in parliament, in destruction of the customs of the commons. May it please our very gracious lord the king in this present parliament to amend that judgment and make it void as erroneous; and to reinstate the said Thomas fully in his rank, estate, goods, and chattels, fermes, annuities, pensions, lands, tenements, rents, office, advowsons, and possessions whatsoever with their appurtenances and that he be able to enter upon the aforesaid fermes, annuities, lands, tenements, rents, office, advowsons, and possessions and to hold them as he held them the day of the drawing up of the said bill: even the judgment or any declaration by this cause, gift, or grant of these goods, chattels, fermes, annuities, pensions, lands, tenements, rents, offices, advowsons, and possessions, or of any of them, to any other person made in any way since the said judgment notwithstanding. As well in fulfillment of the right as for the saving of the liberties of the said commons.

The king wills, by the advice and assent of all the lords spiritual and temporal, that the judgment rendered against Thomas Haxey, clerk, in the parliament held at Westminster in the twentieth year of the late king Richard, be wholly annulled, reversed, repealed and made void and held of no force or effect; and that the said Thomas be reinstated in his name and reputation, and made and held an able person such as he was before the said judgment was rendered—as in the record made thereof and enrolled before in this roll of parliament as appears more at length.

## 106. The Statute "De Haeretico"

(1401. Latin text and translation, 2 *S. R.* 125. 3 Stubbs, 33, 36

\* \* \* \* \*

15. ITEM, whereas it is showed to our sovereign lord the king on the behalf of the prelates and clergy of his realm of England in this present parliament, that although the catholic faith builded upon Christ, and by his apostles and the church sufficiently determined, declared, and approved been hitherto by good and holy and most noble progenitors and predecessors of our sovereign lord the king in the said realm amongst all the realms of the world, most devoutly observe the church of England by his said most noble progenitors and ancestors, to the honor of God and of the whole realm aforelaudably endowed, and in her rights and liberties sustained without that that the same faith or the said church was hitherto grievously oppressed, or else perturbed by any perverse doctrine or wicked heretical or erroneous opinions; yet nevertheless certain false and perverse people of a certain new sect, of the said church, of the sacraments of the church, and the authority of the church, maliciously thinking, and against the law of God and of the realm, contrary to the office of preaching, do pertinaciously and malici-

king's majesty in this behalf; especially since the diocesans of the said realm cannot by their jurisdiction spiritual, without aid of the said royal majesty, sufficiently correct the said false and perverse people, nor refrain their malice, because the said false and perverse people do go from diocese to diocese, and will not appear before the said diocesans, but the same diocesans and their jurisdiction spiritual, and the keys of the church with the censures of the same, do utterly contemn and despise; and so their wicked preachings and doctrines doth from day to day continue and exercise, to the utter destruction of all order and rule of right and reason. Upon which novelties and excesses above rehearsed, the prelates and clergy aforesaid, and also the commons of the said realm being in the same parliament, have prayed our sovereign lord the king, that his royal highness would vouchsafe in the said parliament to provide a convenient remedy; the same our sovereign lord the king graciously considering the premises, and also the laudable steps of his said most noble progenitors and ancestors, for the conservation of the said catholic faith, and sustentation of the said divine worship, and also the safeguard of the estate, rights, and liberties of the said church of England, to the laud of God, and merit of our said sovereign lord the king, and prosperity and honor of all his said realm, and for the eschewing of such dissensions, divisions, hurts, slanders, and perils, in time to come, and that this wicked sect, preachings, doctrines and opinions should from henceforth cease and be utterly destroyed, by the assent of the great lords and noble persons of the same realm, being in the said parliament, hath granted, stablished, and ordained, from henceforth firmly to be observed, that none within the said realm, or any other dominions, subject to his royal majesty, presume to preach openly or privily, without the license of the diocesan of the same place first required and obtained, curates in their own churches, and persons hitherto privileged, and other of the canon law granted, only except; nor that none from henceforth anything preach, hold, teach, or instruct openly or privily, or make or write any book contrary to the catholic faith or determination of the holy church, nor of such sect and wicked doctrines and opinions shall make any conventicles, or in any wise hold or exercise schools; and also that none from henceforth in any wise favor such preacher, or maker of any such and like conventicles, or person holding or exercising schools, or making or writing such books, or so teaching, informing, or exciting the people, nor any of them maintain or any wise sustain; and that all and singular



having such books or any writings of such wicked doctrine and opinions, shall really with effect deliver or cause to be delivered all such books and writings to the diocesan of the same place within forty days from the time of the proclamation of this ordinance and statute. And if any person or persons, of whatsoever sex, estate, or condition that he or they be, from henceforth do or attempt against the said royal ordinance and statute aforesaid in the premises or in any of them, or such books in the form aforesaid do not deliver, then the diocesan of the same place in his diocese, such person or persons in this behalf defamed or evidently suspected, and every of them, may by the authority of the said ordinance and statute cause to be arrested, and under safe custody in his prisons to be detained, till he or they of the articles laid to him or them in this behalf, do canonically purge him or themselves, or else such wicked sect, preachings, doctrines, and heretical and erroneous opinions do adjure, according as the laws of the church do demand and require: so that the said diocesan by himself or his commissaries do openly and judicially proceed against such persons so arrested, and remaining under his safe custody to all effect of the law, and determine that same business according to the canonical decrees within three months after the said arrest, any lawful impediment ceasing. And if any person in any case above expressed, be before the diocesan of the place or his commissaries canonically convicted, then the same diocesan may cause to be kept in his prison the said persons so convicted for the manner of his default, and after the quality of the offense according and as long as to his discretion shall seem expedient; and moreover to put the same person to pay to our sovereign lord the king a pecuniary fine; except in cases where he, according to the canonical decrees, ought to be left to the secular court, according as the same fine shall seem competent to the diocesan, for the manner and quality of the offense; in which case the same diocesan shall be bound to certify the king of the same fine in his exchequer by his letters patents sealed with his seal, to the effect that such fine by the king's authority may be required and levied to his use of the goods of the same person so convicted. And if any person within the said realm and dominions, upon the said wicked preachings, doctrines, opinions, schools, and heretical and erroneous informations, or any of them, be before the diocesan of the same place or his commissaries convicted by sentence, and the same wicked sect, preachings, doctrines, and opinions, schools and informations, do refuse duly to adjure, or by the diocesan of the same

or his commissaries, after the abjuration made by the same  
 on be pronounced relapsed, so that according to the holy  
 ns he ought to be left to the secular court, whereupon cre-  
 e shall be given to the diocesan of the same place, or to his  
 missaries in this behalf, then the sheriff of the county of the  
 : place, and mayor and sheriffs or sheriff, or mayor and bail-  
 of the city, town and borough of the same county next to the  
 : diocesan or the said commissaries, shall be personally pres-  
 n preferring of such sentences, by the same diocesan or his  
 missaries against such persons, and every of them, when they  
 he same diocesan or his commissaries shall be required; and  
 the same persons and every of them, after such sentence  
 nulgate, shall receive, and them before the people in an high  
 e cause to be burnt; that such punishment may strike in fear  
 he minds of other, whereby no such wicked doctrine and  
 tical and erroneous opinions, nor their authors and fautors in  
 aid realm and dominions against the catholic faith, Christian  
 and determination of the holy church, which God prohibit,  
 istained or in any wise suffer: in which all and singular the  
 ises concerning the said ordinance and statute, the sheriffs,  
 ors and bailiffs of the said counties, cities, boroughs, and  
 s, shall be attending, aiding and supporting to the said  
 esans and their commissaries.

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## Sir Arnold Savage asks for the Privileges of Parliament

FOI. French original, 3 *R. P.* 455, No. 8. Translation by Editors.  
 3 Stubbs, 29.)

TURDAY, the twenty-second of January, the commons of  
 the realm presented to the king Sir Arnold Savage as their  
 lker and procurator in parliament whom the king kindly  
 epted. And then the said Sir Arnold humbly requested the  
 g, that he might make protestation, that, if he should say any-  
 g through ignorance, negligence or in any other way which  
 not agreed to by his companions or which should be displeas-  
 to the king, or too little through lack of wisdom, or too  
 ch through folly or ignorance that the king would excuse him  
 efor, and that it might be corrected and amended by his said

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ons: and that the said commons should have their liberty  
ment as they had had before this time; and that this  
on should be recorded in the roll of parliament; which  
on seemed honest and reasonable to the king and he  
o it. And after that, the said Sir Arnold, in order to  
memory the pronouncement of parliament which was  
ed by the said Sir Wm. Thirning on his own authority,  
in substance before the king and his lords in parliament  
ons for the summons of the said parliament, to his know-  
arly and briefly. And besides, he prayed our said lord the  
the part of the said commons that on the matters brought  
he said commons in this present parliament they should  
ed advice and deliberation without being suddenly called  
reply to the most important matters at the end of parli  
had been done before this time. To which reply wa  
the king through the earl of Worcester that it was n  
ation of the king to follow this order of action and th  
not imagine any such subtlety, also that they should ha  
vice and deliberation from time to time as the nee  
ed.

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### . Members excused for Matters spoken in Parliament

French original, 3 *R. P.* 456, No. 11. Translation by Editors.  
3 Stubbs, 30.)

on the same day the said commons showed to our lo  
ing how on cert. in matters moved among them, it might

of himself and of all his realm. And that he would not hear any such person or give him credence, before such matters had been shown to the king, by the advice and with the assent of all the commons, according to the purport of their said prayer.

## 109. Responses to the Petitions of the Commons

(1401. French original, 3 *R. P.* 458, No. 23. Translation by Editors.  
3 Stubbs, 30.)

**ITEM**, the same Saturday, the said commons pointed out to our said lord the king, that, as in divers parliaments before this time, their common petitions had not been answered before they had made their grant of some aid or subsidy to our lord the king; therefore they prayed our said lord the king that for the great convenience and comfort of the said commons it should please our lord the king to grant to the said commons that they should be able to learn the responses to their said petitions before any such grant was made. To which response was made that on this matter the king wished to confer with the lords of parliament and to do in regard to it what it should seem best to do with the advice of the said lords. And then afterwards, that is to say on the last day of the parliament, response was made that this manner of deed had not been seen nor used in the time of any of his ancestors or predecessors, that they should have any response to their petitions or knowledge of the same before they had taken up and completed all the other business of parliament, be it to make any grant or otherwise. And therefore the king did not wish in any way to change the good customs and usages made and used in former times.

## 110. Act to regulate the Succession

(1406. French text and translation, 2 *S. R.* 151. 3 Stubbs, 58.)

\* \* \* \* \*

2. **ITEM**, at the request and of the assent of the said lords and commons, in the said parliament, it is ordained and established, that the inheritance of the crown, and of the realms of England and France, and of all the other dominions of

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and lord the king beyond the sea, with all the appurtenances, be settled and remain in the person of the same our lord king, and in the heirs of his body begotten, and especially by request and of the assent aforesaid, it is ordained and established, pronounced, decreed, and declared, that the lord prince Henry eldest son to our said lord the king, be heir and next to the same our lord the king, to succeed him in the crown, realms and dominions, to have them with all the appurtenances after the decease of the same our lord the king, to him and his heirs of his body begotten; and if he die without issue of his body begotten, then all the said crown, realms and dominions, with all the appurtenances, shall remain to the Lord Edward, second son of our said lord the king, and to the heirs of his body begotten; and if he die without issue of his body begotten, then all the said crown, realms and dominions, with all the appurtenances, shall remain to the Lord John, the third son of our said lord the king, and to the heirs of his body begotten; and if he die without heir of his body begotten, that then all the said crown, realms and dominions, with all the appurtenances, shall remain to the Lord Humphrey, the fourth son of our said lord the king, and the heirs of his body begotten.

• • • • •

at the next county [court], to be holden after the delivery of the writ of the parliament, proclamation shall be made in the full county of the day and place of the parliament, and that all they that be there present, as well suitors duly summoned for the same cause, as other, shall attend to the election of their knights for the parliament; and then in the full county they shall proceed to the election freely and indifferently, notwithstanding any request or commandment to the contrary; and after that they be chosen, the names of the persons so chosen, be they present or absent, shall be written in an indenture under the seals of all them that did choose them, and tacked to the same writ of the parliament; which indenture, so sealed and tacked, shall be holden for the sheriff's return of the said writ, touching the knights of the shires. And that in the writs of the parliament to be made hereafter, this clause shall be put: and thy election in thy full county made, distinctly and openly, under thy seal and the seals of those who were present at that election, to us in our chancery, at the day and place in the writ contained, certify without delay.

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## 112. Commons to originate Money Bills

(1407. French original, 3 *R. P.* 611. Translation by Editors. 3 Stubbs, 62.)

21. ITEM, on Friday, the second day of December, which was the last day of parliament, the commons came before the king and the lords in parliament and there by command of the king a schedule of indemnity for a certain dispute between the lords and commons was read; and thereupon it was commanded by our said lord the king, that the said schedule be recorded in the roll of parliament; of which schedule the tenor was as follows. — Be it remembered that on Monday the twenty-first day of November, the king our sovereign lord being in the council room within the abbey of Gloucester, there being in his presence the lords spiritual and temporal assembled at this present parliament, there was a discussion among them on the state of the realm and the defence of the same in order to resist the malice of the enemies who on every coast seemed to be harassing the said realm and the faithful subjects of the same, and no man would be able to resist that malice, if for the safe-guard and

defence of the said realm, our sovereign lord the king aforesaid had not some notable aid and subsidy granted to him in this present parliament. And thereupon it was demanded of the aforesaid lords by way of question, what aid would be sufficient and needful in this case? To which demand and question the said lords made response severally that considering the necessity of the king on one side and the poverty of his people on the other, a less aid would not suffice than one tenth and a half from the cities and boroughs, and one fifteenth and a half from other laymen. And besides, to grant a prolongation of the subsidy on wools, leather, and woolfells, and three shillings on the ton, and twelve pence in the pound, from the feast of St. Michael next coming till the feast of St. Michael in two years then next ensuing. Whereupon, by command of the king our said lord, word was sent to the commons of this present parliament to send before our said lord the king and the said lords a certain number of the members of their company, to hear and to report to their companions that which they should have in command of our lord the king aforesaid. And thereupon the said commons sent to the presence of the king our said lord and the said lords twelve of their companions; to whom, by command of our said lord the king the question aforesaid was declared and the response of the aforesaid lords severally given to it. Which response, it was the will of our said lord the king, they should report to the rest of their companions; also that they should see to it that they conformed most nearly to the purpose of the lords abovesaid. Which report having been made to the said commons, they were greatly disturbed, saying and affirming that this was in great prejudice and derogation of their liberties; and when our said lord the king heard of this, not wishing that anything should be done at present or in time to come, which could in any way turn against the liberty of the estate, for which they were come to parliament, nor against the liberty of the lords aforesaid, willed and granted and declared, with the advice and assent of the said lords, in the following manner. That is to say, that it is lawful for the lords to discuss among themselves assembled in this present parliament, and in every other in time to come, in the absence of the king, concerning the estate of the realm and the remedy needful to it. And that in like manner it is lawful for the commons, on their part, to discuss together concerning the state and remedy aforesaid. Provided always, that the lords on their part and the commons on theirs, make no report to our said lord the king of any grant granted by the commons, and agreed to by the lords,

nor of the negotiations of the said grant, before the said lords and commons shall be of one assent and of one accord in the matter, and then in the manner and form customary, that is to say by the mouth of the speaker of the said commons for the time being, to the end that the said lords and commons should have the agreement of our said lord the king. Besides this our said lord the king wills with the assent of the lords aforesaid that the negotiations had as aforesaid in this present parliament neither be treated as an example in time to come, nor be turned to the prejudice or derogation of the liberty of the estate, for which the said commons were now come together, neither in this present parliament nor in any other in time to come. But wills that the said and all other estates be as free as they had been before.

### 113. Act restraining Abuses by the Sheriffs in Election Returns

(1410. French text and translation, 2 *S. R.* 162. 3 Stubbs, 67, 420.)

\* \* \* \* \*

1. FIRST, whereas in the parliament holden at Westminster, ~~the~~ seventh year of the reign of our said lord the king, there ~~was~~ ordained and established, by a statute for the preservation of the liberties and franchises of the election of the knights of the shire used through the realm, a certain form ~~and~~ manner of the election of such knights, as in the said statute ~~more~~ fully is contained; and forasmuch as in the same statute no ~~penalty~~ was ordained or limited in special upon the sheriffs of ~~the~~ counties, if they make any returns to the contrary of the ~~same~~ statute; it is ordained and stablished, that the justices assigned to take assizes, shall have power to inquire in their sessions of assizes of such returns made; and if it be found by inquest, and due examination before the same justices, that any such sheriff hath made, or hereafter make, any return contrary to the tenor of the said statute, that then the same sheriff shall incur the penalty of one hundred pounds to be paid to our said lord the king; and moreover, that the knights of the counties so unduly returned, shall lose their wages of the parliament, of old time accustomed.

\* \* \* \* \*



## 114. Grant of Subsidy, and Tunnage and Poundage

(1413. French original, 4 *R. P.* 6. Translation by Editors.  
3 Stubbs, 79.)

17. To the honor of God and for the great love and affection which your poor commons of your realm of England have for you, our very excellent lord, the king, for the good of the kingdom and good governance in time to come, your aforementioned poor commons with the assent of the lords spiritual and temporal, the ninth day of June, the first year of your reign, in your parliament held at Westminster, grant to you, our sovereign lord, for the defence of your realm of England, the subsidy of wools, leather and woolfells, to be levied from the coming feast of St. Michael in the entire four years next ensuing, in the form which follows. That is to say from resident merchants, on each sack of wool 43s. 4*d.* and on each 240 woolfells 43s. 4*d.* and on each last of leather 100s. going out of the realm. And from the alien merchants, on each sack of wool 50s. and on each 240 woolfells 50s. and on each last of leather 106s. 8*d.* passing out of the realm. And likewise your aforementioned poor commons with the consent aforementioned, for the safeguard of the sea grant to you our very excellent lord, 3s. on each tun of wine coming into the said realm, and passing out from it, except the tuns of wine taken at the price for your use. And also the aforementioned commons with the consent aforementioned grant to you for the said safeguard of the sea, 12*d.* in the pound of every kind of merchandise coming into the said realm and passing out of it, except wools, hides and woolfells. And except every kind of grain, flour and dried fish and cattle coming into the said realm. And except ale which is carried out of the realm to supply your city of Calais by people of the cities of Baldesey, Falkenham, and Alderton on the Gosford and others as they are charged since the conquest of the said city of Calais. To take and receive the same 3s. on each tun of wine and 12*d.* in the pound, from the feast of St. Michael next to come to the feast of St. Michael the entire year ensuing. Upon the condition that the merchants resident and alien coming into the realm of England with their merchandise be well and honestly treated and demeaned with their merchandise on paying the said subsidy of 12*d.* in the pound of their merchandise according

## Residence required of Knights of the Shire 179

value that the merchandise costs abroad, and that they be  
ed on their oath or by their letters. And if the said mer-  
be found false, that they pay the double subsidy on that  
has not paid customs duty, without other forfeiture or new  
nts, as they were treated and demeaned in the time of your  
whom God assoil, and of your noble progenitors kings of  
ed, without oppression or extortion done to the merchants  
entioned. And that the citizens and burgesses shall be  
in pursuing and making their fines to have their liberties  
anchises, as they were treated in the time of your father,  
God assoil, and of your noble progenitors kings of Eng-  
And besides this your said commons having regard to  
st March and West March of Scotland, and the marches  
es and the land of Ireland and the marches of Calais and  
d of Guienne, and the safeguard of the sea, by the entire  
e which your said poor commons have in you, our very  
gn lord, and to the intent that, with the aid of God,  
r gracious and good government in time to come the said  
ons have good hope of being discharged of all such sub-  
and tunnage and poundage, and taxes and tallages in time  
e, with the consent aforementioned, for the defence of the  
and safeguard of the sea grant to you our very gracious  
entire fifteenth and an entire tenth to be levied from lay-  
the accustomed manner. That is to say, a half at the  
f St. Martin in the winter next coming, and the other half  
feast of Easter next ensuing. Upon the condition that  
be well and sufficiently guarded for the safety of the navy  
e merchandise of the merchants of the realm of England.  
ing, that your said commons be not held nor bound to  
rs of the said marches of Scotland, nor of the land of  
l, nor of the marches of Wales, nor of the marches of  
nor the land of Guienne, nor for the safeguard of the sea  
grant in time to come.

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## . Residence required of Knights of the Shire and of their Electors

13. French text and translation, 2 *S. R.* 170. 3 Stubbs, 80, 438.)

\* \* \* \* \*

FIRST, that the statutes made, concerning the election  
knights of the shires to come to the parliament, be holden

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...t in all points; adjoining to the same, that the knights  
shires which from henceforth shall be chosen in every  
be not chosen unless they be resident within the shires  
they shall be chosen, the day of the date of the writ  
summons of the parliament; and that the knights and  
s, and others which shall be choosers of those knights of  
res, be also resident within the same shires, in manner and  
is aforesaid. And moreover it is ordained and estab—  
that the citizens and burgesses of the cities and boroughs  
sen men, citizens and burgesses resident, dwelling and  
the same cities and boroughs, and no other in any wise

• • • • •

### 16. Confiscation of the Alien Priories

French original, 4 *R. P.* 22, No. 21. Translation by Editors.  
(3 Stubbs, 84.)

...the commons pray that in case final peace be made  
between you our sovereign lord and your adversary of France  
to come, and thereupon all the possessions of the alien  
in England should be restored to the chief religious

## King agrees not to alter the Petitions 181

Except all the alien possessions given by the gracious lord the king your father whom God assoil to the master and college of Fotheringay and to his successors of the foundation of our said lord the king your father and of the foundation of Edward Duke of York, any peace to be made notwithstanding, together with all kinds of franchises and liberties granted by our said lord the king your father to the said master and college and its successors and confirmed by you, \* \* \* saving the services owing to the lords of English sees, if any there are, notwithstanding that the same grant made by our said lord the king your father to the said master and college and his successors should be extended only during the war between your very sovereign lord and your adversary of France, and saving also to each of our lieges as well spiritual as temporal the estate and possession which they have at present in any of such alien possessions, purchased or to purchase, in perpetuity or for life or for a term of years, from the chief religious houses abroad by the licence of our lord the king your very noble father, whom God assail, or of king Edward the Third your great grandfather, or of king Richard the Second since the conquest, or by your gracious gift, grant, confirmation or licence had at present in such case. Paying and supporting all the charges, pensions, annuities and provisions granted to any of your lieges by you or by any of your noble progenitors to be taken from the possessions or alien priories aforementioned.

### REPLY

The king wills it, and also that the said master and college of Fotheringay have an exemplification of the king under his great seal of the present petition for their greatest security in this respect and with the assent of the lords spiritual and temporal sitting in this present parliament.

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## 117. King agrees not to alter the Petitions of the Commons

(1414. French and English original, 4 *R. P.* 22, No. 22. Translation by Editors. 3 Stubbs, 84, 269.)

ITEM, be it remembered, that the commons delivered to the king our very sovereign lord, in this present parliament a petition, of which the tenor follows word for word.

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sovereign lord, your humble and true lieges that have  
for the commons of your land, trusting in your great justice  
it hath been ever their liberty and freedom that there  
no statute or law be made unless they gave thereto their  
considering that the commons of your land, the which is  
er hath been, a member of your parliament, have been as  
sentrers as petitioners, that from this time forth, by com-  
of the commons of any mischief, asking remedy by mouth  
or speaker for the commons or else by written petition, that  
never be any law made thereupon and engrossed as statute  
, neither by addition or by diminution, by no manner of  
or terms, the which should change the sentence and the  
asked by the speaker by mouth, or the petitions aforesaid  
in writing by the manner aforesaid, without the assent of  
esaid commons. Considering our sovereign lord that it  
in any wise the intent of your commons if it be so that  
k you by speaking or by writing, two things or three or  
as pleases them; but that ever it stand in the freedom  
Highness to grant which of those that please you and to  
the rest.

### REPLY

king by his especial grace granteth that from hencefor

## Grant of a Subsidy and Tunnage and Poundage 183

king; nevertheless, the king our said sovereign lord, has not obtained by means of these requests and negotiations his said heritage nor any notable parts of it. And therefore the king our said sovereign lord though with the revenue of his realm and of the grant of the subsidy, granted to him before, he did not have the means to pursue his claim by way of deed, nevertheless hoping in God that he should see himself sustained and supported in his just quarrel, our said lord the king of his good courage has lately undertaken a voyage abroad, pledging his jewels to obtain money and in his own person has gone and arrived before the town of Harfleur and there besieged it with such force that he has taken and obtained it and holds it at present and to guard the same city he has placed there certain lords and many others, men at arms and archers, to his great cost and expense, and having made such ordinance for the safeguard of the said town, our said lord the king of his excellent courage with few people, regard being had to the might of France, went from the town of Harfleur by land towards the marches of Calais, where on his road many dukes, counts and other lords with the might of the realm of France in very great numbers met and fought him until God by His grace gave the victory to the king our said lord, to the honor and exaltation of the crown, of its good fame, and to the special comfort of his loyal lieges and to the fear of all his enemies and probably to the perpetual profit of all his realm, to the honor and reverence of God, and for the great affection and entire love that the commons of the realm of England have for our said sovereign lord the king, with the assent of the lords spiritual and temporal assembled in the parliament held at Westminster the Monday next after the feast of All Saints the year of the reign of our said sovereign lord the king, third, grant to the same sovereign lord the king, the 12th day of November, in the same parliament for the defence of the realm, the subsidy on wool, leather and woolfells to be raised from the merchants denizens, for the subsidy of each sack of wool 43s. 4d., and of each 240 woolfells 43s. 4d. and on each last of leather 100s. and from the alien merchants, on each sack of wool 60s. and on each 240 woolfells, 60s. and on each last of leather 106s. 8d. to take and receive from the feast of St. Michael next to come for all the life of our said lord the king to be disposed and used according to his very gracious wish and discretion, for the defence aforesaid, provided always that no grant be made to any one by our said sovereign lord the king by his letters patent for life or for a term of years of the subsidy aforementioned nor part of it. And if any such grant be made

it will be void and held for null and that this grant be not taken as an example by the kings of England in time to come.

[There follows a grant of tannage and poundage in terms nearly identical with those of No. 114, but for the king's life.]

## 119. Government during the Minority of Henry VI

(1422. Latin, French, and English original, 4 *R. P.* 174. Translation by Editors. 3 Stubbs, 100. No. 33 illustrates parliamentary procedure.)

24. BE it remembered that on the twenty-seventh day of this parliament, the tender state of our most revered lord king Henry the Sixth after the conquest was considered, that he himself cannot personally decide in these days in respect to the protection and defence of his English realm and English church. The said lord king, fully confident of the prudence and diligence of his very dear uncles, John duke of Bedford, and Humphrey duke of Gloucester, and with the assent and advice of the lords spiritual and temporal, in the present parliament, and also with the assent of the commons of the English realm in the same parliament, has ordained and appointed his said uncle, duke of Bedford, now in foreign parts, protector and defender of his realm and the aforesaid English church and chief counsellor of his lord the king and that the duke shall be made and nominated protector and defender of his realm and chief counsellor of the king himself after he shall have returned to England and shall have come into the presence of the aforesaid lord the king and from that time as long as he shall remain in the said realm and as long as it shall be pleasing to our said lord the king. And further, our lord the king, with the aforesaid assent and advice, has ordained and appointed in the absence of his aforesaid uncle the duke of Bedford, his aforesaid uncle the duke of Gloucester now in his realm of England, protector and defender of his realm and the English church and chief counsellor of the said lord the king; and that the same duke of Gloucester be made and nominated protector and defender of the said English realm and church and chief counsellor of the said lord the king as long as it shall be pleasing to the king; \* \* \*

\* \* \* \* \*

## Government during Minority of Henry VI 185

25. Be it remembered that when our lord king as well with the assent and advice of the lords spiritual and temporal as with the assent of the commons of the realm of England in the present parliament, by his letters patent, ordained and appointed his very dear uncle John duke of Bedford, now in foreign parts, protector and defender of the said realm and church of England, and also his principal counsellor, \* \* \* and also in like manner the said lord the king, with the aforesaid assent and advice had ordained and appointed in the absence of his very dear uncle, the aforesaid duke of Bedford, Humphrey duke of Gloucester, now present in the said realm, the protector and defender of the aforesaid realm and church, and his principal counsellor: the aforesaid lord the king, considering the various labors which it will be necessary for the said dukes to endure on the occasions set forth above, and wishing therefore that their persons be attended with honors and gracious favors, with the aforesaid assent and advice, wills, concedes and ordains, that the said duke of Bedford, as often and whenever he shall assume the aforesaid burden and shall truly take it upon himself and occupy himself with it, and the said duke of Gloucester, as often and whenever he himself shall take upon himself and shall administer that burden, shall be able when the offices of forester, parker, and keeper of the warrens are vacant in the realm of England and the parts of Wales, pertaining to the donation of the said lord the king as of his crown, to dispose of these offices under the following form, to wit; that whenever any of the said offices shall happen to be vacant in the future, either of the said dukes holding and exercising the burden of the business of protection and defence, shall be able to nominate a suitable person to the said office and under his signet, as custodian of the private seal of the said lord the king, for the time being, shall be able to certify it; \* \* \* Item, the said lord king, by the advice, consent, and for the cause aforesaid, has willed, granted and ordained that each of the aforesaid dukes, for the time during which he shall hold and exercise the burden of the protection and defence aforesaid, shall be able to nominate suitable persons to any parish churches from the value of twenty marks to the value of thirty marks inclusive, and also to all the prebends in the king's chapels in the donation of the lord king, under the right of the crown, when they shall be vacant, with the exception of the deanships in the king's chapels of this sort, \* \* \* Other offices, prebends, and benefices not specified above, and the aforesaid deanships, belonging to the donation or presentation of the lord king, are,



belong and appertain to the disposition of the said lord king, with the advice of the said protector and defender for the time being and of the rest of the lords of the council of the said lord king, from time to time, when they shall be vacant; except the benefices whose disposition belongs to the chancellor of England by virtue of his office and to the treasurer of England by virtue of his office.

26. Be it said, that after the king our sovereign lord, with the assent and advice of the lords spiritual and temporal in this parliament and also with that of the commons of England assembled in the same, had ordered and constituted the powerful prince Humphrey duke of Gloucester his uncle, protector and defender of the realm and church of England, and his principal councillor in the absence of the excellent prince John duke of Bedford, \* \* \* at the request of the said commons, certain persons of estate as well spiritual as temporal were with the advice and assent of all the lords aforesaid, named and elected as councillors assistant to the government, the names of which persons, written in a small schedule and read openly in this parliament, follow:

The duke of Gloucester, the archbishop of Canterbury, the bishop of London, the bishop of Winchester, the bishop of Norwich, the bishop of Worcester, the duke of Exeter, the earl of March, the earl of Warwick, the earl Marshall, the earl of Northumberland, the earl of Westmoreland, the lord Fitz Hugh, Ralph Cromwell, Walter Hungerford, John Tiptoft, Walter Beauchamp.

27. And be it said also, that the same persons who were named and elected councillors assistant, since that nomination and election have condescended to undertake such assistance to the government, in the manner and form contained in a schedule of paper written in English, containing as well all their names, as also five especial articles delivered in this same parliament, by the same persons named councillors assistant, the tenor of which schedule follows.

28. The which lords above said have condescended to take it upon them in the manner and form that follows. First, forasmuch as execution of law and keeping of the peace stand much in justices of the peace, sheriffs and escheators, [and] the profits of the king and the revenues of the realm be greatly increased or reduced to nothing by customers, comptrollers, weighers, searchers and all such other officers, therefore the same lords will and desire that such officers and all others be made by advice and nomination of the said lords saving always and reserving to

## Government during Minority of Henry VI 187

my lords of Bedford and of Gloucester all that belongeth to them by a special act made in parliament; and to the bishop of Winchester what hath been granted him by our sovereign lord that last was, on whose soul God have mercy, and confirmed by authority of parliament.

29. Item, that all manner of wards, marriages, fermes and other incidents that belong to the crown, when they fall in, be let, sold, and disposed by the said lords of the council, and that indifferently at the falling in, without favor or any manner of partiality or fraud.

30. Item, that if anything be done or enacted by council, six, or four at least, officers of the said council be present; and in all great matters that shall pass by council, that all be present or at any rate the greater part; and if it be such matter that the king hath been accustomed to be consulted upon, that then the said lords do not proceed therein without the advice of my lords of Bedford, or of Gloucester.

31. Item, forasmuch as the two chamberlains of the exchequer, have been ordered of old time to control the receipts and the payments in any wise made, the lords desire, that the treasurer of England for the time being, and either of the chamberlains, have a key of that that should come into the receipt, and that they be sworn before my lord of Gloucester, and all the lords of the council, that for no friendship shall they make any man privy, but the lords of the council, to what the king hath within his treasury.

32. Item, that the clerk of the council be charged and sworn to truly enact, and write daily, the names of all the lords that are present from time to time, to see what, how, and by whom, anything passeth.

33. And thereupon, the said articles having been read in parliament, before the aforementioned lords, and well understood by them, were fully assented to and accorded by them; the said schedule of paper was by certain of my honorable lords of parliament on the part of the king and all the lords of parliament sent and delivered to the aforesaid commons in order to be informed of their intent thereupon. Whereupon afterwards the said commons apprised of this, and by the report of many reverend and honorable lords made in the said parliament, on the part of the said commons, thanked the aforesaid lords, and [voted] that they were well content with all the contents of the said schedule, with this that to the first article of the said five articles should be added a clause, as a proviso, which the said lords, reporters of

the said commons, delivered on their part in parliament, in a schedule of parchment written in French, and the tenor of which follows here.

Provided always that the lords and other persons and officers, who have estate and authority, either by inheritance or for life or otherwise, to make and constitute by virtue of their offices, officers, deputies and ministers, which belong to them by right, and as annexed to them and to their offices, of old time accustomed and used, shall not be restrained nor prejudiced in that which belongs to them, by color of this ordinance or appointment.

To which schedule of parchment and the contents of the same, read before the said lords in parliament, were the same lords agreed and fully assented.

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## 120. Definition of the Powers of the Duke of Gloucester as Protector

(1428. English original, 4 *R. P.* 326, No. 25. 3 Stubbs, 109.)

HIGH and mighty prince, my lord of Gloucester, we lords spiritual and temporal, assembled by the command of the king our sovereign lord in this his present parliament, be well remembered how, that soon after the beginning of this parliament, it liked you to move unto us and to say, that you were the protector and defender of this land, and so named and called; willing therefore and desiring to know of us, what authority and power belonged to you, the which desire you likewise repeated the third day of this present month of March, saying that we must well consider matters of parliament in your absence, but that we should not conclude without you; affirming also that you would not in any wise come into the house accustomed for the king and the lords of parliament, until the time that you knew what your authority and your power were therein. And for so much and to the end, that you have no cause to absent yourself from this said parliament for lack of our answer to your said desire, we lords abovesaid call to mind, how that in the first parliament held by the king our sovereign lord that now is, at Westminster, you desired to have had the government of this land, affirming that it belonged to you by right, as well as by means of your birth, as by the last will of the king that was, your brother, whom God assoil, alleging for you such grounds and motives as it was

## Definition of Powers of Duke of Gloucester 189

thought in your discretion made for your intent. Whereupon the lords spiritual and temporal assembled in parliament, among whom were your uncles, the bishop of Winchester who now liveth, and the duke of Exeter, and your cousin earl of March that are gone to God, and of Warwick, and others in great number that now live, had great and long deliberation and advice, searched precedents of the government of the land in similar times and cases, when kings of this land have been of tender age, took also information of the laws of the land, of such persons as are notably learned therein, and finally found your said desire not caused nor grounded in precedent, nor in the law of the land; the which the king that is dead might not in his life, nor by his last will nor otherwise alter, change nor abrogate, without the assent of the three estates, nor commit or grant to any person, government or rule of this land longer than he lived; but on the other hand, the said lords found your said desire not according with the laws of this land, and against the right and freedom of the states of the same land. How be it, be it not thought, that any such thing wittingly proceeded of your intent. And nevertheless to keep peace and tranquility, and to the intent to ease and please you, it was advised and appointed by the authority of the king, the three estates of this land assenting that you in the presence of my lord, your brother of Bedford, should be chief of the king's council, and devised therefore unto you a name different from the other councillors, not the name of tutor, lieutenant, governor, nor of regent nor any name that should import authority of government of the land, but the name of protector and defender, the which importeth a personal duty of attendance to the actual defence of the land, as well against enemies without, as the case required, as against rebels within if any there should be, which God forbid; granting you therewith certain power, which is specified and contained in an act of the said parliament, to endure as long as it pleaseth the king. In which if the intent of the said estates had been, that you should have had more power or authority, more would have been expressed therein; to which appointment, ordinance and act, you thereto agreed as for your person, making nevertheless protestation, that it was not your intent in any wise to derogate or do prejudice unto my lord your brother of Bedford by your said agreement, as toward any right that he would pretend or claim in the government of this land, and as toward any pre-eminence that you might have or belong to you as chief of the council, it is plainly declared in the said acts and articles, subscribed by my said lord of Bed

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by yourself, and the other lords of the council. But as is  
sent to which you are called upon your faith and allegiance  
of Gloucester, as other lords are and not otherwise, we  
no power nor authority that you have, other than you as  
of Gloucester should have, the king being in parliament, at  
most discretion; we marvelling with all our hearts, that  
making the open declaration of authority and power belong-  
my lord of Bedford, and to you in his absence, and also  
king's council, subscribed purely and simply by my said  
Bedford, and by you, that you should in any wise be  
or moved not to content you therewith, or to pretend you  
er: especially considering that the king, blessed be our  
since the time of the said power granted unto you, much  
ed and grown in person, in wit and understanding, and  
with the grace of God to occupy his own royal power within  
years. And forasmuch considering the things and causes  
said, and many others that would be too long to write, we  
foresaid, pray, exhort and require you, to content you with  
er abovesaid and declared, with which my lord your brother  
ord, the king's eldest uncle, contented him; and that you  
lesire, will nor use any larger power: giving you this that  
written, for our answer to your aforesaid demand, which  
well and abide with, without variance or change. . . .

## Larke's Case: Privileges of Member's Servants 191

be, unless convenient remedy be provided in this behalf: our lord the king, considering the premises, hath provided, and ordained by authority of this present parliament, that the knights of the shires to be chosen within the same realm of England to come to the parliaments hereafter to be holden, shall be chosen in every county, by people dwelling and resident in the same, whereof every one of them shall have free tenement to the value of forty shillings by the year at the least above all charges; and that they which shall be so chosen shall be dwelling and resident within the same counties; and such as have the greatest number of them that may expend forty shillings by year and above, as afore is said, shall be returned by the sheriffs of every county, knights for the parliament, by indentures sealed betwixt the said sheriffs and the said choosers so to be made; and every sheriff of England shall have power, by the said authority, to examine upon the holy evangelists every such chooser, how much he may expend by the year: and if any sheriff return knights to come to the parliament contrary to this ordinance, that the justices of assizes in their sessions of assizes shall have power by the authority aforesaid, thereof to inquire; and if by inquest the same be found before the same justices, and the sheriff thereof be duly attainted, that then the said sheriff shall incur the pain of an hundred pounds to be paid to our lord the king, and also that he have imprisonment by a year, without being let to bail or mainprise; and that the knights for the parliament returned contrary to the said ordinance shall lose their wages. Provided always, that he which cannot expend forty shillings by year as afore is said shall in no wise be chooser of the knights for the parliament; and that in every writ that shall hereafter go forth to the sheriffs to choose knights for the parliament, mention be made of the said ordinances.

\* \* \* \* \*

### 122. Larke's Case: Privileges of Member's Servants

(1429. French original, 4 *R. P.* 357, No. 57. Translation by Editors.  
3 Stubbs, 514.)

THE commons pray that as one William Larke, servant to Wm. Milrede, coming to your court of the present parliament for the city of London, in the service of the said Wm.

Milrede then sitting, through the subtle imagination and conjecture of one Margery Janyns was arrested in the court of pipoudrez of the abbot of Westminster, by his officers there, and removed from there to your common bench by writ of *corpus cum causa* at the suit of the said Margery, and by the justices of your said bench commanded to Fleet prison and there detained in prison till the present, by the force of a judgment given against the said Wm. Larke in your said bench by your said justices, both because the said Wm. Larke was condemned at the suit of the said Margery in your said bench in an action of trespass, to the damage of 208£ 6s. 8d. before the day of the summoning of this present parliament, and for fine to make to you because the trespasser was found with force and arms. May it please Your Royal Majesty to consider that the said Wm. Larke, at the time of the said arrest, was in the service of the said Wm. Milrede, supposing truly by the privilege of your court of parliament to be free of all arrest during your said court, except for treason, felony or surety of the peace; to order by the authority of the same parliament, that the said Wm. Larke may be delivered out of your said prison of Fleet, the said condemnation, judgment and execution or anything depending hereupon against him or upon him notwithstanding. Saving at all times to the said Margery and to her executors, their execution outside of the said judgment against the said Wm. Larke, after the end of the said parliament, and also to grant, by the authority aforementioned, that no one of your said lieges, that is to say, lords, knights from your counties, citizens, burgesses, in your parliaments to come, their servants or familiars, be at all arrested nor detained in prison during the time of your parliament, except for treason, felony, or surety of the peace as was said before.

#### RESPONSE

The king, by the advice of the lords spiritual and temporal and at the special request of the commons, sitting in this present parliament, and also with the consent of the counsel of Margery Janyns named in this petition, wills and grants by the authority of the said parliament, that Wm. Larke named in the said petition, be delivered immediately out of Fleet prison. And that the said Margery, after the end of this parliament, have her execution of the judgment which she has against the said William, in the common bench, as it is contained in the same petition, in the same form that it should have had if the said judgment

had never been executed. And that the judges of the said bench give to the said Margery, after the end of this parliament, execution of the said judgment, by *capias ad satisfaciendum*, and by *exigent*; and likewise issue processes from our lord the king, for his fine regarding the said William, by *capias* and *exigent*, as they should have done, if the said William had never been taken nor imprisoned, by cause of the said judgment. And besides the king wills, by the authority of the same parliament, that the chancellor of England for the time being, from the end of the said parliament, make commissions to different persons assigned at discretion, to take the said William and to deliver him to the keeper of the Fleet, who is held to receive and guard him, until satisfaction shall be given to the aforesaid Margery, of the sum to recover from him by the aforementioned judgment, and to the king, of that which belongs to him in the case. And that the said deliverance to the said keeper, have the same effect for the said Margery, as would execution for her made by *capias ad satisfaciendum*, any variance through the said petition or the indorsement of the same, and the record of the same recovery, or any other thing notwithstanding, and as to the rest of the petition: the king will consider.

### 123. Act against Smuggling

(1437. French text and translation, 2 S. R. 294.)

\* \* \* \* \*

8. ITEM, our sovereign lord the king, to remove and eschew the great unlawfulness and damage, which daily is to him done, in withholding the customs and subsidies, and to the staple of Calais in hindering of the sale of wool and woolfells, by such which do ship their wools and woolfells in divers secret ports and creeks, and other suspect places within this realm, stealing, bringing, and carrying away the same, not customed to divers parts beyond the sea, and not to Calais; hath ordained by the authority aforesaid, that from henceforth no manner of person shall ship nor cause to be shipped wools, woolfells, nor other merchandises pertaining to the staple, in no place within this realm, but all only at the keys and wharfs being in the ports assigned by statute, where the kings weights and his beam be set. And that every master of the ships and vessels, in



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such wool and woollfells and merchandises be put, shall  
sufficient surety to the customers of the ports, where they do  
carry the said wool and woollfells and merchandises to  
of Calais, and to bring a certification from thence, that  
so done. Saving always to the merchants of Genoa,  
Tuscany, Lombardy, Florence, and Catalonia, and to  
bishops of Berwick, the liberties to them granted by statute  
e.

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### Against Abuse in Appointment of Justices of the Peace

(1439. French text and translation, 2 S. R. 309.)

• • • • •  
TEM, whereas by statutes made in the time of the king's  
progenitors, it was ordained, that in every county of Eng-  
land should be assigned of the most worthy of the same  
to keep the peace, and to do other things, as in the  
statutes fully is contained, which statutes notwithstanding,  
late in many counties of England, a greater number have  
been appointed and assigned, than before this time were wont to

same penalty by writ of debt at the common law. Provided  
ys, that this ordinance shall not extend to cities, towns, or  
ughs, which be counties incorporate of themselves; nor to  
s, towns, or boroughs which have justices of peace of persons  
ling in the same by commission or grant of the king, or of  
rogenitors: provided also, that if there be not sufficient per-  
having lands and tenements to the value aforesaid, learned  
e law, and of good governance, within any such county, that  
hancellor of England for the time being shall have power to  
ther discreet persons learned in the law, in such commis-  
s, though they have not lands and tenements to the value  
said, by his discretion.

\* \* \* \* \*

## 5. Qualifications of Knights of the Shire

145. French text and translation, 2 *S. R.* 342. 3 Stubbs, 265, 427.)

\* \* \* \* \*

So that the knights of the shire for the parliament  
after to be chosen, shall be notable knights of the same  
ties for the which they shall so be chosen, or otherwise such  
ble esquires, gentlemen of birth of the same counties, as  
be able to be knights; and no man to be such knight which  
leth in the degree of a yeoman and under.

\* \* \* \* \*

## 126. Attainder of John Cade

(1450. French text and translation, 2 *S. R.* 357.)

\* \* \* \* \*

FIRST, whereas the false traitor John Cade, naming himself  
Mortimer, late called Captain of Kent, the viii day of  
the xxviii year of the reign of our said sovereign lord the  
g at Southwark, in the county of Surrey, and the ix day of  
the aforesaid year at Dertford and Rochester in the county  
Kent, also at the town of Rochester aforesaid, and elsewhere,  
x and xi day of July then next ensuing, within the realm of  
gland, falsely and traitorously imagined the king's death,

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on and subversion of this realm, in gathering and levying  
umber of the king's people, and them exciting to make  
on against the king, falsely and traitorously in the places  
and at the times before recited, against the king's  
rown, and dignity; and there and then made and levied  
ly and traitorously against the king and his highness,  
beit though he be dead and mischieved, yet by the law  
nd not punished: our said sovereign lord the king con-  
the premises, to put such traitors in doubt so to do in  
ing, and for salvation of himself and of his realm, by  
his lords spiritual and temporal in the said parliamen-  
l, and at the request of his commons, hath ordained by  
erty of the said parliament, that he shall be of the  
attainted; and that by the same authority he shall forfeit  
g all his goods, lands and tenements, rents and posse-  
ch he had the said eighth day of July, or after, and h<sup>is</sup>  
rupt, and disabled forever, and to be called a false  
thin the said realm forever.

\* \* \* \* \*

### Privilege of Members from Arrest: Clerk's Case

(Latin and English original, 5 R. P. 374. Translation by Editor  
3 Stubbs, 515.)

m, a certain other petition was presented to our *said*  
ng, in the said parliament, through the said commons

into your prison of Fleet, as well for xl pounds in which he was condemned to your Highness, and also for xx marks, in which he was condemned to Robert Basset, in an action of trespass, and also for xx pounds in which he was condemned to John Payne, in an action of maintenance, and for the fines due to your Highness in the same condemnation; and since that committing, the said Walter was outlawed at the suit of the said John Payne, and for that and other premises, in the same prison of Fleet is retained, against the liberties and freedoms used, had and enjoyed afore this time by your said commons.

Please it your Highness, in eschewing the said delay caused by the premises, by the advice and assent of the lords spiritual and temporal in this present parliament assembled, and by authority of the same, to ordain and establish, that your chancellor of England have power to direct your writ or writs, to the warden of the said prison of Fleet, commanding him by the same, to have the said Walter before him without delay, and then to dismiss him at large, and to discharge the said warden of him, of and for every of the premises, so that the said Walter may attend daily of this your parliament, as his duty is to do. And that by the said authority, neither your said chancellor, warden of Fleet, nor any other person nor persons, in any wise be hurt, endamaged nor grieved, because of the said dismissing at large of the said Walter. Saving alway, as well to you, sovereign lord, your execution of your said xl pounds, and of your said fine, and all your other interest in that party, as to the said Robert Basset, and John Payne, and each of them, their execution in the premises, after the dissolving of this your present parliament, the said arrest of the said Walter, and the said committing and imprisoning of him to ward notwithstanding, as fully and effectually, as if the same Walter at any time for any of the premises never had been arrested, nor committed to ward. Saving also to your said commons called now to this your parliament, and their successors, their whole liberties, franchises and privileges, in as ample form and manner, as your said commons at any time before this day have had, used and enjoyed, and ought to have, use and enjoy, this present act and petition in any wise notwithstanding.

Which said petition having been read, heard, and fully understood in the said parliament, by the advice and assent of the lords spiritual and temporal being in the said parliament, and at the request of the said commons, response was made to the same in the following form: The king wills it.

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### Recognition of the Duke of York as Heir to the Throne

(1460. English original, 5 *R. P.* 375. 3 Stubbs, 190.)

MEMORANDUM, that the xvi day of October, the ix day of  
present parliament, the council of the right high and mighty  
Richard duke of York, brought into the parliament cham-  
ber, containing the claim and title of the right, that the  
duke pretended unto the crowns of England and of France,  
and the lordship of Ireland, and the same writing delivered to the  
reverend father in God George bishop of Exeter, chancellor  
of England, desiring him that the same writing might be  
read to the lords spiritual and temporal assembled in this  
parliament, and that the said duke might have brief and  
speedy answer thereof: whereupon the said chancellor opened  
and showed the said desire to the lords spiritual and temporal,  
and asked the question of them, whether they would the said writing  
be openly read before them or no. To the which question  
was answered and agreed by all the said lords: inasmuch as  
every person high and low, suing to this high court of parliament,  
must be heard, and his desire and petition understood.

pe communication in this matter had, it was concluded and agreed by all the said lords; that since it was so, that the title of the said duke of York cannot be defeated, and in eschewing the great inconveniencies that might ensue, to take the means above rehearsed, the oaths that the said lords had made unto the king's Highness at Coventry, and other places saved, and their consciences therein cleared. And over that, it was agreed by the said lords, that the said means should be opened and declared to the king's Highness. And forthwith they went to the king, where he was in his chamber within his palace of Westminster. And in their going out of the parliament chamber, the said chancellor asked of the said lords, that since it was so, that the said means should be opened by his mouth to the king's good grace, they would abide by him howsoever that the king took the matter; and they all answered and said yea.

All these premises thus showed and-opened to the king's Highness, he, inspired with the grace of the Holy Ghost, and in eschewing of effusion of Christian blood, by good and sad deliberation and advice had with all his lords spiritual and temporal, condescended to accord to be made between him and the said duke, and to be authorized by the authority of this present parliament. The tenor of which accord hereafter ensueth, in manner and form following:

19. Blessed be Jesus, in whose hand and bounty resteth and is the peace and unity betwixt princes, and the weal of every realm, through whose direction agreed it is, appointed and recorded as followeth, betwixt the most high and most mighty prince King Henry the Sixth, king of England and of France, and lord of Ireland, on the one part, and the right high and mighty prince Richard Plantagenet duke of York, on the other part, upon certain matters of variance moved betwixt them, and especial upon the claim and title unto the crowns of England and of France, and royal power, estate, and dignity, appertaining to the same, and lordship of Ireland, opened, showed and declared by the said duke, before all the lords spiritual and temporal being in this present parliament: the said agreement, appointment and accord, to be authorized by the same parliament.

\* \* \* \* \*

20. The said title nevertheless notwithstanding, and without prejudice of the same, the said Richard duke of York, tenderly desiring the weal, rest and prosperity of this land, and to set apart all that might be trouble to the same; and considering the

possession of the said king Henry the Sixth, and that he hath for his time been named, taken and reputed king of England and of France, and lord of Ireland; is content, agreed and consenteth, that he be had, reputed and taken, king of England and of France, with the royal estate, dignity and pre-eminence belonging thereto, and lord of Ireland, during his life natural; and for that time, the said duke without hurt or prejudice of his said right and title, shall take, worship and honor him for his sovereign lord.

21. Item, the said Richard duke of York, shall promise and bind him by his solemn oath, in manner and form as followeth:

In the name of God, Amen. I Richard duke of York, promise and swear by the faith and truth that I owe to almighty God, that I shall never do, consent, procure or stir, directly or indirectly, privily or openly, nor as much as in me is and shall be, suffer to be done, consented, procured or stirred, anything that may be or tend to the abridgement of the natural life of king Henry the Sixth, or to the hurt or diminishing of his reign or royal dignity, by violence or any other wise, against his freedom and liberty: but that if any person or persons, would do or presume anything to the contrary, I shall with all my power and might withstand it, and make it to be withstood as far as my power will stretch thereunto; so help me God, and these holy evangelists.

Item, Edward earl of March, and Edmund earl of Rutland, the sons of the said Richard duke of York, shall make like oath.

22. Item, it is accorded, appointed and agreed, that the said Richard duke of York, enjoy, be entitled, called and reputed from henceforth, very and rightful heir to the crowns, royal estate, dignity and lordship abovesaid; and after the discease of the said king Henry, or when he will lay from him the said crowns, estate, dignity and lordship, the said duke and his heirs, shall immediately succeed to the said crowns, royal estate, dignity and lordship.

\* \* \* \* \*

24. Item, if any person or persons, imagine or compass the death of the said duke, and thereof proveably be attaint of open deed done by folks of their condition, that it be deemed and adjudged high treason.

25. Item, for the more establishing of the said accord, it is appointed and consented, that the lords spiritual and temporal being in this present parliament, shall make oaths to accept, take, worship and repute, the said Richard duke of York, and

his said heirs, as above is rehearsed; and keep, observe and strengthen as much as appertaineth unto them, all the things abovesaid, and resist to their power all them that will presume the contrary, according to their estates and degrees.

26. Item, the said Richard duke of York, earls of March and Rutland, shall promise and make oath, to help, aid and defend the said lords, and every of them, against all those that will quarrel, or anything attempt against the said lords, or any of them; by occasion of agreement or consenting to the said accord, or assistance giving to the said duke and earls, or any of them.

Item, it is agreed and appointed, that this accord, and every article hereof, be opened and notified by the king's letters patents or otherwise, at such times and places, and in manner, as it shall be thought expedient to the said Richard duke of York, with the advice of the lords of the king's council.

27. The king, understanding certainly the said title of the said Richard duke of York, just, lawful, true and sufficient, by the advice and assent of the lords spiritual and temporal, and commons, in this parliament assembled, and by authority of the same parliament, declareth, approveth, ratifieth, confirmeth and accepteth the said title, just, good, lawful and true, and thereunto giveth his assent and agreement, of his free will and liberty. And over that, by the said advice and authority declareth, entitleth, calleth, establisheth, affirmeth and reputeth the said Richard duke of York, very, true and rightful heir to the crowns, royal estate, and dignity of the realms of England and of France, and of the lordship of Ireland aforesaid; and that according to the worship and reverence that thereto belongeth, he be taken, accepted and reputed, in worship and reverence, by all the estates of the said realm of England, and of all his subjects hereof: saving and ordaining by the same authority, the king to have the said crowns, realms, royal estate, dignity and pre-eminence of the same, and the said lordship of Ireland, during his life natural. And furthermore, by the same advice and authority, willeth, consenteth and agreeth, that after his discease, or when it shall please his Highness to lay from him the said crowns, estate, dignity and lordship, or thereof ceaseth: the said Richard duke of York and his heirs, shall immediately succeed him in the said crowns, royal estate, dignity and lordship, and them then have and enjoy, any act of parliament, statute, ordinance, or other thing to the contrary made, or interruption or discontinuance of possession, notwithstanding. And moreover, by the said advice and authority, stablischeth, granteth, confirmeth, approveth, ratifieth



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cepteth the said accord, and all things therein contained,  
reunto freely and absolutely assenteth and agreeth.

by the same advice and authority, ordaineth and establish-  
eth if any person or persons, imagine or compass the death  
and duke, and thereof proveably be attaint of open deed  
folks of their condition, that it be deemed and adjudged  
reason.

and furthermore ordaineth, granteth and stablischeth, by  
the same advice and authority, that all statutes, ordinances and  
parliament, made in the time of the said king Henry the  
by the which he and the heirs of his body coming, or  
late king of England the Fifth, the son and heir of the  
king Henry the Fourth, and the heirs of the body of the  
king Henry the Fifth coming, were or be inheritable to  
crowns and realms, or to the heritage or enheritements  
same, be annulled, repelled, revoked, dampned, cancelled,  
and of no force or effect: \* \* \*

\* \* \* \* \*

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Kings



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in deed and not of right; our said lord the king, by the advice and assent of the lords spiritual and temporal, and at the request of the said commons in the said parliament assembled, and by authority of the same, hath declared, established, and enacted in the said parliament, that all fines, and final concords, levied or made of any lands, tenements, possessions, rents, inheritances, or other things, and all acts judicial, recoveries, and processes, determined or commenced, not revoked, reversed nor annulled, made or had in any court or courts of record, or any court or courts holden in any of the times of the pretended reigns of any of the said late kings, in deed and not in right, other than by authority of any parliament holden in any of their times, and exemplifications of the said fines, acts judicial, and recoveries, out of any of the said parliaments, and every of them, shall be of all such force, virtue, and effect, as if the said fines, final concords, acts, recoveries, processes, and other the premises, had or made out of any of the said parliaments, and exemplifications of the same, had been commenced, sued, had or determined in the time of any king lawfully reigning in this realm, and obtaining the crown of the same by just title.

And also that all letters patents made by any of the pretended kings to any person or persons, of creation, insignicion or erection of any of them, to any estate, dignity or pre-eminence, shall be to the said person or persons, and to such of their heirs which be contained in the same letters patents, of such force, avail and effect, as touching such creation, insignicion or erection, as if the same letters patents had been made or granted to any of them by any king lawfully reigning in this realm and obtaining the crown of the same by just title; and that they being so created, insigned or erected, shall have new grants of the king of their annuities for the maintenance of their estates, as hath been of old time accustomed; except such persons, and every of them, whom our sovereign lord the king reputeth and holdeth for his rebels or enemies.

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### Treaty of Commerce with Burgundy

1467. French original, 11 Rymer, 592-594, 598. Translated by Editors. This treaty was renewed with some modifications in 1478, 2 January, 1487, and 24 February, 1496 (12 Rymer, 578). It is known as the *Intercursus Magnus*.)

that all merchants as well of the realm of England, of  
nd, and of Calais, as the merchants of the duchy,  
country of Brabant, of Flanders, the town and lord-  
Mechlin and the other countries of our said cousin the  
they merchants of wools, leathers, of provisions or of  
merchandise, their factors and servants shall be able to  
irely by land, on foot, on horseback or otherwise and  
g in and beyond the waters of Gravelines and of  
brabant, Flanders, Mechlin and other countries above  
and from Brabant, Flanders, Mechlin and the other  
above mentioned to Calais, together with the goods and  
ise, to take their way between the sea and the castles  
nd of Oye and to trade one with the other in all kinds  
andise, provisions and other things, \* \* \* except armor,  
annon, powder, and other things made similarly and

ships and town of Mechlin, and the other countries aforesaid, and within the ports and harbors of the same with all their goods, merchandise, and ships, and to trade with all the merchants of Brabant, of Flanders, and of Mechlin, and of all the said countries and whatsoever other merchants, their factors and servants in all kinds of merchandise, as well foods as other kinds (except armor \* \* \* for hostile purposes) and to depart with their said ships, goods, merchandise, and whatsoever else, being able to bring them back and to return in safety:

And that likewise all merchants of the said countries and lordships of Brabant, Flanders, Mechlin, and other aforesaid countries, be they merchants of wools \* \* \* shall be able \* \* \* to dwell securely in the kingdom of England, in Ireland, and in Calais and within the ports and harbors of the same kingdom, country, and town, authorized by the king (that is to say, in the ports and harbors where customs officials and other officers are ordered to watch and wait for the entrance and exit of ships and merchandise, and not in others) with their goods and merchandise and ships and to trade with all the English merchants and others and their factors and servants in all kinds of merchandise, as well foods as other kinds (except the said armor \* \* \*) and to carry into the aforesaid ports in England, Ireland and Calais their own goods, provisions and others, and the goods of the other aforesaid countries and lordships of Brabant, of Flanders, of Mechlin and the other aforesaid places, and to depart and return safely with all their said goods, merchandise and ships:

And also that the said merchants, their factors and servants shall be able, each of them to whom it shall be necessary, to buy and to have provisions freely of those of the other country and to carry them by sea one to the other \* \* \* without being held to blame because they have so done, by the lords of one side or the other, nor by their officers; nor shall harm be done, or hindrance or disturbance made, by those of the part of England to the merchants of Brabant, Flanders, Mechlin, and aforesaid places, nor also by those of the aforesaid parts of Brabant, Flanders, Mechlin and other countries aforesaid to the merchants of the countries of England by violence, by reason of war and pillage, made or to be made, nor otherwise in any way for whatsoever cause; respecting and paying, as regards the merchants of England, of Ireland and of Calais, in the countries of Brabant, Flanders, Mechlin, and other aforesaid countries for the merchandise which they shall carry over and bring back; and likewise as regards the merchants of Brabant, Flanders, Mechlin,

and aforesaid countries in the said realm and countries of England, Ireland and Calais, for the merchandise which they shall carry over there and bring back, the customs, tolls, and duties due and customary when merchandise has had course in time past between the realms and countries aforesaid included in present agreement, without being constrained to other duties.

And in respect to the merchants of one side or the other, touching the merchandise which they shall bring over and carry back each on his part, they shall pay the tolls and duties at the ordinance of their prince and lord according to that which is customary in their country.

And by this it is not intended to prejudice the prince or lord of one country or another from levying in those countries and lordships such tolls and duties, with respect to his subjects, as shall seem good to him.

Except this, that the said merchants, of one side or the other, their factors and servants, masters of ships and sailors, to whom it shall be lawful to have with them in their ships armor and artillery, for the preservation and safety of themselves and their goods, in travelling by sea, and to take the same with them into whatsoever ports at which they arrive, shall upon leaving their said ships leave behind such armor in their said ships or vessels; except knives, a dagger, or a sword, which they shall be able to carry, if it seem good to them, to their inns, where they shall be bound to leave their said swords.

At all times, the prince of one part or the other shall be able, for a reasonable cause, such as the need or high price of food, to make restriction as regards such kinds of food as shall seem necessary to him for his own welfare and that of his subjects, this present agreement not preventing.

And if it should happen that any ships, by the fortune of the sea or the pursuit of enemies, should be constrained to take refuge in any ports or harbors in England which are not authorized as has been said, in such a case they shall be able to be and enter safely in the said ports and harbors, without being able (being at the said harbors and ports) to lade, to stow, or to unlade any commodities, foods, merchandise, or other things.

Item, that the said merchants of England, their factors and servants, masters of ships and sailors, shall be able to hold intercourse with and dwell securely in the countries of Brabant, Flanders, Mechlin, and the aforesaid countries, and in the ports and harbors of the same countries, with their goods, ships, and any merchandises whatsoever, provisions and other things.

And likewise the merchants of Brabant, Flanders, Mechlin, and the other countries aforesaid and their factors and servants, masters of ships and sailors shall be able to be, to hold intercourse with, and to dwell safely in the kingdom of England, in Ireland, and at Calais, and in the ports and harbors of England, Ireland, and Calais aforesaid, without any misdeed being done or any hindrance or disturbance made by those of Brabant, Flanders, Mechlin and the aforesaid places nor by any others whatsoever (of whatsoever nation or country they may be) to the merchants of the country of England nor by those of that country of England or any others whatsoever to the merchants of Brabant, Flanders, Mechlin and the aforesaid countries, nor to their factors, servants, masters of ships, and sailors, of one part or the other, by violence, by reason of war, pillage, or robbery done or to be done, nor otherwise in any manner; provided that the merchants of any other country whatsoever be safe with all their goods and ships at the said countries of Brabant, Flanders, Mechlin, and other aforesaid countries, and in the ports and harbors of the said countries of Flanders, without any misdeed done or hindrance or disturbance made to them by those of the part of England; nor damage done or hindrance made in body or goods or in any possible manner by those of the other said countries to those of the part of England, their factors, servants, and goods, being in the said countries of Brabant, Flanders, the lordship and town of Mechlin, and in the other countries above-named, and in the ports and harbors of the same: \* \* \*

Given in the city of Brussels, the twenty-fourth day of November, the year of grace one thousand four hundred and sixty-five.

### 131. Confirmation of Richard's Title

(1484. English original, 6 R. P. 241. 3 Stubbs, 235.)

\* \* \* \* \*

BESIDES this we consider, how that ye be the undoubted son and heir of Richard late duke of York, very inheritor to the said crown and dignity royal, and as in right king of England, by way of inheritance; and that at this time, the premises duly considered, there is none other person living but ye only, that by right may claim the said crown and dignity royal, by way of inheri-

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...e, and how that ye be born within this land; by reason  
thereof, as we deem in our minds, ye be more naturally inclin  
to the prosperity and common weal of the same; and all the thr  
of the land have, and may have, more certain knowled  
of your birth and filiation abovesaid. We consider also, t  
of wit, prudence, justice, princely courage, and the men  
of the and laudable acts in divers battles, which we by expe  
know ye heretofore have done, for the salvation and defe  
of this same realm; and also the great noblesse and excellence  
of your birth and blood, as of him that is descended of the th  
of the royal houses in Christendom, that is to say, Englar  
of France, and Spain.

Therefore, these premises by us diligently considered,  
for bringing effectually the peace, tranquillity, and public weal  
of the land, and the reduction of the same to the ancient honorab  
of the and prosperity, and having in your great prudence, justic  
of princely courage, and excellent virtue, singular confidence, ha  
been in all that that in us is, and by this our writing cho  
of the high and mighty prince, into our king and sovereign k  
to whom we know for certain it appertaineth of inheritar  
to be chosen. And hereupon we humbly desire, pray, and  
of the your said noble grace, that according to this election of ust  
of the estates of this land, as by your true inheritance, ye w

Albeit that the right, title, and estate, which our sovereign lord the king Richard the Third, hath to and in the crown and royal dignity of this realm of England, with all things thereunto within the same realm, and without it, united, annexed and appertaining, be just and lawful, as grounded upon the laws of God and of nature, and also upon the ancient laws and laudable customs of this said realm, and so taken and reputed by all such persons as are learned in the abovesaid laws and customs. Yet nevertheless, forasmuch as it is considered, that the most part of the people of this land is not sufficiently learned in the abovesaid laws and customs, whereby the truth and right in this behalf of likelihood may be hid, and not clearly known to all the people, and thereupon put in doubt and question. And besides this, how that the court of parliament is of such authority, and the people of this land of such nature and disposition, as experience teacheth, that manifestation and declaration of any truth or right, made by the three estates of this realm assembled in parliament, and by authority of the same, maketh, before all other things, most faith and certainty; and, quieting men's minds, removeth the occasion of all doubts and seditious language. Therefore, at the request, and by assent of the three estates of this realm, that is to say, the lords spiritual and temporal, and commons of this land, assembled in this present parliament, by authority of the same, be it pronounced, decreed, and declared, that our said sovereign lord the king was, and is, very and undoubted king of this realm of England, with all things thereunto within the same realm, and without it, united, annexed and appertaining, as well by right of consanguinity and inheritance, as by lawful election, consecration, and coronation. And besides this, that, at the request, and by the assent and authority abovesaid, be it ordained, enacted and established, that the said crown and royal dignity of this realm, and the inheritance of the same, and other things thereunto within this same realm, or without it, united, annexed, and now appertaining, rest and abide in the person of our said sovereign lord the king, during his life, and, after his discease, in his heirs of his body begotten. And in especial, at the request, and by assent and authority abovesaid, be it ordained, enacted, established, pronounced, decreed, and declared, that the high and excellent prince Edward, son of our said sovereign lord the king, be heir apparent of the same our sovereign lord the king, to succeed to him in the abovesaid crown and royal dignity, with all things as is aforesaid thereunto united, annexed and appertaining; to have them after the discease of



our said sovereign lord the king, to him and to his heirs of his body lawfully begotten.

\* \* \* \* \*

## 132. Grant of Subsidy

(1484. English original, 6 *R. P.* 238. 3 Stubbs, 236.)

SO the worship of God. We your poor commons by your high commandment come to this your present parliament, for the shires, cities and boroughs of this your noble realm, by the assent of all the lords spiritual and temporal in this your present parliament assembled, grant by this present indenture to you, our sovereign lord, for the defense of this your said realm, and in especial for the safeguard and keeping of the sea, a subsidy called tonnage, to be taken in manner and form following; that is to say, 111 shillings of every ton of wine coming into this your said realm, and of every ton of sweet wine coming into the same your realm, by any foreign merchant, as well by the merchants of Hanse and of Almain, as of any other foreign merchant, iii shillings, over the said 111 shillings afore granted: to have and to perceive yearly the said subsidy, from the first day of this present parliament, for term of your natural life. And over that, we your said commons, by the assent aforesaid, grant to you, our said sovereign lord, for the safeguard and keeping of the sea, another subsidy called poundage; that is to say, of all manner merchandises of every merchant denizen and alien, as well of the merchants of Hanse and of Almain, as of any other foreign merchant, carried out of this your said realm or brought into the same by way of merchandise, of the value of every xxs., xii*d.*; except tin, whereof the merchants strangers to pay for subsidy, of the value of every xxs., 11*s.*; and the merchants denizens, xii*d.*; and all such manner merchandises of every merchant denizen, to be valued after that they cost at the first buying or *achate*, by their oaths, or of their servants buyers of the said merchandises in their absence, or by their letters, the which the same merchants have of such buying from their factors; all manner of woolen cloth made and wrought within this your realm, by any merchant denizen not born alien, to be carried out of the same realm within the time of this grant, all manner wools, woolfells and hides, going out of the same, and every manner of corn,

flour, all manner of fresh fish, bestial, and wine, into this your realm coming, ale, and all manner victual going out of this your said realm for the victualing of your town of Calais, and of the marches there under your obedience, out of this grant always except: to have and to receive yearly the said subsidy of poundage, from the said first day of this present parliament, during your natural life; except afore except. And if any concealment be found in the merchants of the duty aforesaid, that they for such concealment pay thereof only the double subsidy, without any other hurt of forfeiture in that behalf; and that these grants be not taken in ensample to the kings of England in time to come. And that it may please your Highness, that as well merchants denizens, as strangers, coming into this your said realm with their merchandises, be well and honestly entreated and demeaned in their subsidies and all other things, and that the said merchants be entreated and demeaned as they were in the time of your noble progenitors, without oppression to be done to the merchants aforesaid, by the treasurer of England for the time being, customers, controllers, searchers, or any other your officers, paying their subsidies abovesaid. And that the said subsidies and every parcel of them, be employed and applied for the safeguard and keeping of the sea, and defense of this your said realm, in manner and form as it is before rehearsed. And over that, we your said poor commons, by the assent aforesaid, grant to you, our said sovereign lord, for the great affection and true humble hearts that we have to your Highness, for the defense of this your noble realm, a subsidy of wools, woolfells and hides, to be paid and levied in manner and form that followeth; that is to say, of every merchant denizen, for the subsidy of every sack of wool, xxxiiis. iiii<sup>d</sup>., and of every ccxl woolfells, xxxiiis. iiii<sup>d</sup>., and of every last of hides lxvis. viii<sup>d</sup>.; to have and receive the said subsidy, from the said first day of this present parliament, for term of your life: and of every merchant stranger, not born your liegeman, as well those that be made denizens, as hereafter shall be made by your letters patents or otherwise, as of other merchants strangers, of every sack of wool, lxvis. viii<sup>d</sup>., and of every ccxl woolfells, lxvis. viii<sup>d</sup>., and of every last of hides, lxxiiis. iiii<sup>d</sup>., going out of this your said realm; to have and to receive the said subsidies of the merchandises of the said aliens, from the said first day of this present parliament, during your natural life: the one half of all the said subsidies, by the merchants denizens to be paid at the end of six months next after the going out of the merchandises, and the other half at the end of six months

then next following, for to dispose and ordain after your right gracious will and discretion for the defense abovesaid. \* \* \*

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### 133. An Act to free Subjects from Benevolences

(1484. French text and translation, 2 *S. R.* 478. 3 Stubbs, 219, 237.)

2. THE king remembering how the commons of this his realm by new and unlawful inventions and inordinate covetousness, against the law of this realm, have been put to great thraldom and importable charges and exactions, and in especial by a new imposition named a benevolence, whereby divers years the subjects and commons of this land against their wills and freedom have paid great sums of money to their almost utter destruction; for divers and many worshipful men of this realm by occasion thereof were compelled by necessity to break up their households and to live in great penury and wretchedness, their debts unpaid and their children unpreferred, and such memorials as they had ordained to be done for the wealth of their souls were made void and annulled, to the great displeasure of God and to the destruction of this realm; therefore the king will it be ordained, by the advice and assent of his lords spiritual and temporal and the commons of this present parliament assembled, and by the authority of the same, that his subjects and the commonalty of this his realm from henceforth in no wise be charged by none such charge or imposition called benevolence, nor by such like charge; and that such exactions called benevolences, afore this time taken be taken for no example to make such or any like charge of any his said subjects of this realm hereafter, but it be dampned and annulled forever.

## 134. Recognition of the Title of Henry VII

(1485. 1 Henry VII. c. 1. 2 S. R. 499.)

**H**ENRY, by the grace of God, king of England and of France, and lord of Ireland, at the parliament holden at Westminster the seventh day of November, in the first year of the reign of King Henry, the seventh after the conquest.

To the pleasure of Almighty God, the wealth, prosperity and surety of this realm of England, to the singular comfort of all the king's subjects of the same and in avoiding of all ambiguities and questions, with the assent of the lords spiritual and temporal, and at the request of the commons, it is ordained, established and enacted by authority of this present parliament, that the inheritances of the crowns of the realms of England and of France, with all the permanence and royal dignity to the same pertaining, and all other seigniuries to the king belonging beyond the sea with the appurtenances thereto in any wise due or pertaining, be, rest, remain and abide in the most royal person of our now sovereign lord King Henry the VIIth and in the heirs of his body lawfully coming, perpetually with the grace of God so to endure and in none other.

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## 135. An Act against bringing in of Gascony Wine, except in English, Irish, or Welshmen's Ships

(1485. 1 Henry VII. c. 8. 2 S. R. 502.)

**I**TEM, in the said parliament it was called to remembrance of the great minishing and decay that hath been now of late time of the navy within this realm of England, and idleness of the mariners within the same, by the which this noble realm within short process of time, without reformation be had therein, shall not be of habilitie and power to defend itself: wherefore at the prayer of the said commons, the king our sovereign lord, by the advice of the lords spiritual and temporal, in this said present parliament assembled, and by authority of the same, it is enacted, ordained and established, that no manner person of what degree or condition that he be of, buy nor sell within this said realm,

Ireland, Wales, Calais or the marches thereof, or Berwick, from the feast of Michaelmas next now coming, any manner of wines of the growing of the duchy of Guyenne or of Gascony, but such as shall be aventured and brought in an English, Irish or Welshman's ship or ships, and the mariners of the same English, Irish or Welshmen for the more part, or men of Calais or of the marches of the same; and that upon pain of forfeiture of the same wines so bought or sold contrary to this act, the one half of that forfeiture to be to the king our sovereign lord and that other half to the finder of that forfeiture: this act and ordinance to endure betwixt this and the next parliament, saving alway to the king his prerogative.

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### 136. Establishment of the Court of Star Chamber

(1487. 3 Henry VII. c. 1. 2 S. R. 509. This text revised from "The Statutes of Henry VII., printed by Caxton in 1489," ed. Rae.)

FIRST, the king our sovereign lord remembereth how by unlawful maintenances, giving of liveries, signs and tokens, and retainders by indentures, promises, oaths, writings, or otherwise embraceries of his subjects, untrue demeanings of sheriffs in making of panels and other untrue returns, by taking of money by juries, by great riots and unlawful assemblies, the policy and good rule of this realm is almost subdued, and for the none punishing of these inconveniences and by occasion of the premises nothing or little can be found by inquiry, whereby the laws of the land in execution may take little effect, to the increase of murders, robberies, perjuries, and unsureties of all men living and losses of their lands and goods, to the great displeasure of Almighty God; therefore it is ordained for reformation of the premises by the authority of the said parliament, that the chancellor and treasurer of England for the time being and keeper of the king's privy seal, or two of them, calling to him a bishop and a temporal lord of the king's most honourable council, and the two chief justices of the king's bench and common pleas for the time being, or other two justices in their absence, upon bill or information put to the said chancellor for the king, or any other, against any person for any misbehaving before rehearsed, have authority to call before them by writ or privy seal the said misdoers, and them and other by their discretions by whom the truth may be known to

examine, and such as they find therein defective to punish them after their demerits, after the form and effect of statutes thereof made, in like manner and form as they should and ought to be punished if they were thereof convict after the due order of the law.

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### 137. Allegiance to a De Facto King not Treason

(1495. 11 Henry VII. c. 1. 2 S. R. 568.)

**T**HE king our sovereign lord, calling to his remembrance the duty of allegiance of his subjects of this his realm, and that they by reason of the same are bound to serve their prince and sovereign lord for the time being in his wars for the defence of him and the land against every rebellion, power and might reared against him, and with him to enter and abide in service in battle if the case so require; and that for the same service what fortune ever fall by chance in the same battle against the mind and weal of the prince, as in this land some time past hath been seen, that it is not reasonable, but against all laws, reason, and good conscience that the said subjects going with their sovereign lord in wars, attending upon him in his person or being in other places by his commandment within this land or without, anything should lose or forfeit for doing their true duty and service of allegiance: it be therefore ordained, enacted and established by the king our sovereign lord by the advice and assent of the lords spiritual and temporal and the commons in this present parliament assembled, and by authority of the same, that from henceforth no manner of person nor persons, whatsoever he or they be, that attend upon the king and sovereign lord of this land for the time being in his person and do him true and faithful service of allegiance in the same, or be in other places by his commandment, in his wars within this land or without, that for the said deed and true duty of allegiance he or they be in no wise convict or attain of high treason nor of other offences for that cause by act of parliament or otherwise by any process of law, whereby he or any of them shall lose or forfeit life, lands, tenements, rents, possessions, hereditaments, goods, chattels or any other things, but to be for that deed and service utterly discharged of any vexation, trouble

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any act or acts or other process of the law here-  
for the same happen to be made contrary to this  
then that act or acts or other process of the law  
shall be, stand and be utterly void.  
away that no person nor persons shall take any  
age by this act which shall hereafter decline from  
allegiance.

### Act against Unlawful Retainers and Liveries

104. 19 Henry VII. c. 14. 2 S. R. 658.)

Our sovereign lord calleth to his remembrance that  
at this time divers statutes, for punishment of  
that give or receive liveries, or that retain any per-  
son or be retained with any person or persons, with  
forfeitures in the same statutes comprised, have  
been established, and that notwithstanding divers per-  
sons upon them some to give and some to receive  
have been retained contrary to the form of the  
statute little or nothing is or has been done for the  
punishment of offenders in that behalf, wherefore our sover-  
ign lord by the advice of the lords spiritual and tem-  
poral commons of his realm in this parliament being  
assembled, hath ordained, established and  
made statutes and ordinances before this time made  
against unlawful retainers, and such as be so retained,

and the taker and accepter of every such livery, badge, token, or sign to forfeit and pay for every such livery and sign, badge, or token so accepted c. s., and for every month that he useth or keepeth such livery or sign, badge or token after that he hath taken or accepted the same to forfeit and pay c. s., and every person that by oath, writing or promise, or in any other wise unlawfully retain privily or openly, and also every such person that so is retained, to forfeit and pay for every such time c. s., and as well every person that so retaineth as every person that is so retained to forfeit and pay for every month that such retainer is continued c. s. And that every person that before the making of this act by livery, sign, token, writing, badge, oath, promise or otherwise unlawfully hath retained any person, or by reason thereof is retained at the time of making of this act, contrary to the premises, that as well every of them that keepeth any person so in retainer as every person that so is and continueth so retained shall forfeit to the king for every month, from the feast underwritten, that such retainer is continued, c. s.

\* \* \* \* \*

VI. Moreover the king our sovereign lord by the advice, assent and authority aforesaid, hath ordained, established, and enacted, that every person that will sue or complain before the chancellor of England or the keeper of the king's great seal in the star chamber, or before the king in his bench, or before the king and his council attending upon his most royal person wheresoever he be, so that there be three of the same council at the least, of the which two shall be lords spiritual or temporal, against any person or persons offending or doing against the form of this ordinance or any other of the premises, be admitted by their discretion to give information, and every such informer so admitted shall be received to sue upon the said matter by information, and that he be received and admitted to give such information or informations before the said chancellor or keeper of the seal in the star chamber or before the king in his bench or before the king and his council aforesaid against as many such offenders as the person that so shall inform will or shall name; and that upon the same all such persons be called by writ, subpoena, privy seal or otherwise, and the said chancellor or keeper of the seal or the king in his bench or the said council to have power to examine all persons defendants and every of them, as well by oath as otherwise, and to adjudge him or them convict or attain as well by such examination as otherwise in such penalties as is aforesaid as



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shall require ; and also shall charge by judgment in the  
h person or persons so convict or attaint to the person  
or informer in all costs therein had, by the discretion  
them before whom he shall be so attainted or convicted  
the same party, plaintiff or informer shall have such re  
reward of that that by his complaint shall grow to the  
shall be thought reasonable by the discretion of the same  
or or keeper of the great seal, justices or council.

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### 139. Reversal of Attainders

(1504. 19 Henry VII. c. 28. 2 S. R. 669.)

king our sovereign lord, considering that divers and man  
sons, whereof some of them and some of their ancesto  
be attainted of high treason for divers offences by the  
ed and done against their natural duty of their allegianc  
d have made instant and diligent pursuit in their mo  
use to His Highness of his mercy and pity to have the  
ders reversed and the same persons so attainted to be  
restored, that is to say Humphrey Stafford son to Henry

were and should be discomforted and in despair of expedition of their suits, petitions and causes, unless convenient remedy for them were purveyed in this behalf: wherefore and in consideration of the premises the king's Highness is agreed and contented that it be enacted by the lords spiritual and temporal and the commons in this present parliament assembled and by authority of the same, that the king's Highness, from henceforth during his life, shall have plain and full authority and power by his letters patent under his great seal, to reverse, annull, repeal and avoid all the attainders of the said persons and every of them and the heirs of every of them, and of all other persons and the heirs of such persons and every of them as have been attainted of high treason by act of parliament or by the common law, at any time from the xxii day of August the first year of his most noble reign to the first day of this present parliament; and also of all persons attainted in and by this present parliament; and also of all other persons attainted of treason at any time during the reign of King Richard the Third as well by the course and order of the common law as by the authority of parliament or otherwise: and furthermore the king's Grace by his letters patents under his said great seal to have full authority and power to restore the same persons so attainted and their heirs and every of them and to enable them in name, blood and inheritance as if the said attainders or any of them had never been had nor made; and that the said letters patent rehearsing the said reversal, repeal, annulation and avoydance of the said acts of attainder or any of them, and the restitutions and enablements of the said persons or any of them, and the inheritance contained in any of the king's said letters patent at any time hereafter to be made according to the effect of this act, be as good, effectual and available in the law to every of the same persons to whom they shall be made according to the effect, tenor, purports, grants and words in the same so made according to the effect of this act, as if the same matters, words, tenors, and purports, contained in any of the said letters patent so made, were fully enacted, established and authorized by authority of parliament.

II. Provided alway that all persons that have or hold any honours, castles, lordships, manors, lands, tenements, fees, offices, annuities, fermes, rent charges, liberties, franchises, or other hereditaments or possessions, by the king's letters patent, privy seal, placard or bills assigned, in fee simple, fee tail or for term of life or of years or at will, or by letters patent made by King Edward the IVth, shall have, hold and enjoy to them, their heirs and assignees, against such persons as so hereafter shall be restored and

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for heirs and assignees and against all other to their use and against none other persons, all the same honours, castles, manors, lordships, lands, tenements, fees, offices, rents and other premises by the form, tenor and effect of the same letters patent, privy seal, placard or bills assigned, as if this act or any such restitution to them had never been had or made.

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### 140. Grant of Two Aids

(1504 . 19 Henry VII. c. 32. 2 *S. R.* 675.)

FORASMUCH as the king our sovereign lord is rightfully entitled to have two reasonable aids according to the laws of this land, the one aid for the making knight of the right noble prince his first begotten son Arthur late Prince of Wales deceased who God pardon, and the other aid for the marriage of the right noble princess his first begotten daughter Margaret now married to the king of Scots; and also that His Highness hath sustained and borne great and inestimable charges for the defense of his realm, and for a firm and perpetual peace with the realm of Scotland and many other countries and regions, to the gre

jects of the same in their own personages and otherwise have done to His Grace, and thereby sustained manifold costs and charges to his great honour and pleasure, and also to the common weal of this his realm, of his mere motion and abundant grace, and for the tender zeal and love that His Highness beareth to his said nobles and subjects, hath remitted, pardoned and released, and by this present act doth remit, pardon and release unto his said nobles and all his said subjects in any wise chargeable or contributory to the said aids or either of them or any part of them, and to their heirs, executors and successors, all his right, title and interest which His Grace hath or in any wise may or ought to have by reason of the said two aids or either of them; and also His Grace holdeth him right well pleased with the said loving offer and grant of his subjects by them so made for his great and nestimable costs and charges by His Highness borne and sustained as is above said; and over this of his more ample grace and pity, that the poor people of his commons of this his land should not in any wise be contributory or chargeable to any part of the said sum of xl M<sup>l</sup> li. but to be thereof discharged, hath pardoned, remitted and released the sum of x M. li., parcel of the said sum of l M. li., and is content to accept and take of them the sum of xx M. li. only in full recompense and satisfaction of and for all the premises; which sum of xxx M. li. it is enacted, ordained and established by the authority of this present parliament to be ordered, assessed, levied, paid, and had after the manner and form ensuing that is to say: that every shire within this realm shall bear and pay such sums of money assessed upon every of the said shires as here under in this act particularly it doth appear; and that the cities and boroughs, towns and places, being within every shire, not by themselves accountable in the king's exchequer for xv<sup>mes</sup> and x<sup>mes</sup>, be chargeable with the said shires to the satisfaction and payment of the said sum of xxx M<sup>l</sup> li.; and all cities, boroughs and towns, not contributory nor chargeable with shires and accountable by themselves in the said exchequer for any xv<sup>me</sup> and x<sup>me</sup>, shall be charged toward the contenting and satisfaction of the said sum of xxx M<sup>l</sup> li. with like and such sums of money as also hereunder in this act particularly it doth appear; and that to the payment of the said sum of xxx M<sup>l</sup> li; every person or persons having lands or tenements or other hereditaments or possessions, in lands or tenements in fee simple, fee tail, freehold at will after the custom of the manor, ward, execution or ancient demesne, within any of the said cities, shires, towns or boroughs to the yearly value of xx<sup>ti</sup> s. of free charter land or of

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s. viii d. of land holden at will above all charges, where-  
or any of them be seised or possessed or any other pers  
persons to the use of them or any of them, and not therew  
chargeable with spiritual dismes, or any person or persons havin  
s or chattels to their proper use to the value of x marcs ar  
e, not accounting their cattle for their plough nor their nece  
stuff and implements of household, shall for the same l  
chargeable for the payment of the said sum of xxx M<sup>l</sup> li.; ar  
other persons of less substance in lands and goods; ar  
such x marcs of goods shall be seised and chargeable wi  
and equal sums rateable at xx s. of freehold or xxvi s. viii  
copyhold in every shire, city and borough and in no oth  
which sum of xxx M<sup>l</sup> li. to be levied in the said shir  
be ordered and assessed by the discretion of the commi  
ers in this act named, before the feast of Saint Michael th  
angel next coming, or four of them at the least, calling to the  
discreet persons dwelling within the said shires such as the  
think necessary which shall give unto them their advice ar  
ance for the execution of the premises; and in every of th  
cities, boroughs and towns which are accountable by ther  
s in the exchequer as is aforesaid for the levying of such sur  
y shall be chargeable with for the said sum of xxx M<sup>l</sup> li.  
rel and assess by the mayors, justices of peace, sherif

indifferently and sell as much of the goods and chattels of every person within the shires, cities or boroughs where they shall be collectors as shall serve for the payment of such sum or sums of money which every of them shall be ordered and assessed to pay, not charging any person but only for the sum upon him assessed; and for non payment of any sum of money ordered and assessed in form aforesaid on every person that it shall be lawful to the said collectors to distrain, take and apprise indifferently and sell as much of the said goods and chattels of the farmers and tenants of any of the same persons so assessed not paying as shall serve for the payment of such sums of money as shall upon the said persons not making payment be ordered or assessed; and that no person or persons be distrained or his goods or chattels taken for any sum upon him ordered or assessed, but after such rate and in such towns, cities, boroughs and places where his lands or his goods be for the which he is assessed; also that the said commissioners in every shire or four of them at the least, shall by writing indented under their seals deliver to the collectors of the said sum of xxx M<sup>l</sup> li. within eight days next after the said assessing, the names and sums of every person which they shall be appointed and limited to gather by the said writing.

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#### I 41. Benefit of Clergy denied to Murderers

(1512. 4 Henry VIII. c. 2. 3 S. R. 49.)

WHEREAS robberies, murders and felonies daily increase more and more, and are committed and done in more heinous, open and detestable wise than hath been often seen in times past, and the persons so offending little regard the punishment thereof by the course of the common law nor by reason of any statute heretofore made, but bear them bold of their clergy and imagining and pleading of feigned and untrue foreign pleas triable in foreign counties to the intent to be removed from place to place by colourable and untrue suggestions, and for to be untruelly acquit by favor, might and corruption so that they live in manner without fear or dread; for reformation whereof and for the common wealth of this realm and for to put the said murderers, felons and offenders in more fear and dread so to offend; be it ordained, established and enacted by the king our sovereign lord, the lords

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and temporal and the commons in this present parliament assembled and by the authority of the same, that all persons hereafter committing murder or felony in any church, or hallowed place, or of and upon malice prepense rob or kill any person or persons in the king's highway, or else rob or kill any person in his house the owner or dweller of the same or his wife, child or servant then being therein and put in jeopardy of death by the same, that such person or persons so offending shall not from henceforth be admitted to his or their clergy, such as are within holy orders only except.

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### 142. Act in Strode's Case

(1512. 4 Henry VIII. c. 8. 3 S. R. 53.)

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• • AND over that be it enacted by the said authority that no person shall be put in jeopardy of death by the said authority in any such cases, accusations, condemnations, executions, fines, amercia-

## 143. Resumption of Royal Grants

(1514. 6 Henry VIII. c. 25. 3 S. R. 153.)

**T**O the king our sovereign lord,  
Pray and in the most humble wise beseech your Highness your humble subjects the commons in this present parliament by your high commandment assembled, that where the most noble and Christian princes king Henry the VIth, king Edward the IIIrd and the most famous and renowned prince of most worthy memory king Henry the VIIth your father, whom God pardon, and other your noble progenitors have kept as honourable estates, as well in their own persons as in their households and other their charges, as well in defence of this your realm as in defence of the towns of Calais, Guyenne, Hammes, Berwick and the marches of the same, and other charges of this your realm of the only revenues thereof, as hath done any king or Christian prince in any other Christian region, not only to the great honour of the same but also to the great ease, rest and quietness of the people of the same, which caused all other lands and realms to have this your realm in great renown, dread and fear and your said progenitors to be dreaded of all outward nations; and so it is most dread sovereign lord that the revenues of your lands and other things being in your hands and possession are so greatly minished, by reason of the manifold gifts, grants and releases passed from your Highness since the beginning of your most noble reign hitherto, that the residue thereof now remaining in your hands and possession in no wise sufficeth nor can suffice to bear and sustain your great charges, which daily increase as well by reason of your wars now being in hand against your ancient enemies the Scots as of your great charges in keeping and defence of your city of Tournay late by your Grace victoriously conquered, and which of very necessity must be maintained and borne as accordeth to your princely estate and honour of your Highness and surety of your humble subjects and of your realm: in consideration whereof may it please your Highness by the advice and assent of the lords spiritual and temporal in this present parliament assembled and by authority of the same, for the conservation and maintaining of your most royal estate and other charges above rehearsed, to the pleasure of God and for your own honour and surety and also for the universal weal, ease, rest and surety of this your realm and land, and for the minishing and lessening of the charges and burden of your said poor



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and subjects of the same which your Grace oweth  
and specially regard before the favour of any particular pe  
earthly things; to take, seise, resume and have in you  
on the feast of Easter next coming all and singular thos  
annuities granted to any person or persons by your High  
our letters patents, \* \* \*

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### The Conditional Restraint of Annates

Henry VIII. c. 20. 3 S. R. 385. The whole act reprinted in G.  
and H. 178-186.)

SOMUCH as it is well perceived, by long-approved expe-  
rience, that great and inestimable sums of money have been  
conveyed out of this realm, to the impoverishment of the  
realm, and specially such sums of money as the pope's holiness,  
his successors, and the Court of Rome, by long time have here-  
unto taken of all and singular those spiritual persons which have  
been named, elected, presented, or postulated to be archbishops  
or bishops within this realm of England, under the title of annates,  
or called first-fruits: which annates, or first-fruits, hereto-  
fore have been taken of every archbishopric, or bishopric, within

made for the same ; which declares the said payments to be exacted, and taken by constraint, against all equity and justice :

III. The noblemen, therefore, of the realm, and the wise, sage, politic commons of the same, assembled in this present Parliament, considering that the Court of Rome ceases not to tax, take, and exact the said great sums of money, under the title of annates, or first-fruits, as is aforesaid, to the great damage of the said prelates and this realm ; which annates or first-fruits, were first suffered to be taken within the same realm, for the only defence of Christian people against the infidels, and now they be claimed and demanded as mere duty, only for lucre, against all right and conscience : insomuch that it is evidently known, that there has passed out of this realm unto the Court of Rome, since the second year of the reign of the most noble prince of famous memory, King Henry VII., unto this present time, under the name of annates, or first-fruits, paid for the expedition of bulls of archbishoprics and bishoprics, the sum of eight hundred thousand ducats, amounting in sterling money, at the least, to eight score thousand pounds, besides other great and intolerable sums which have yearly been conveyed to the said Court of Rome, by many other ways and means, to the great impoverishment of this realm :

IV. And albeit that our said sovereign the king, and all his natural subjects, as well spiritual as temporal, be as obedient, devout, catholic, and humble children of God and Holy Church, as any people be within any realm christened ; yet the said exactions of annates, or first-fruits, be so intolerable and importable to this realm, that it is considered and declared, by the whole body of this realm now represented by all the estates of the same assembled in this present Parliament, that the king's highness before Almighty God is bound, as by the duty of a good Christian prince, for the conservation and preservation of the good estate and commonwealth of this his realm, to do all that in him is to obviate, repress, and redress the said abuses and exactions of annates, or first-fruits : and because that divers prelates of this realm be now in extreme age, and in other debilities of their bodies, so that of likelihood bodily death in short time shall or may succeed unto them ; by reason whereof great sums of money shall shortly after their deaths be conveyed unto the Court of Rome, for the unreasonable and uncharitable causes abovesaid, to the universal damage, prejudice, and impoverishment of this realm, if speedy remedy be not in due time provided :

V. It is therefore ordained, established, and enacted, by authority of this present Parliament, that the unlawful payments

of annates, or first-fruits, and all manner contributions for the same, for any archbishopric or bishopric, or for any bulls hereafter to be obtained from the Court of Rome, to or for the aforesaid purpose and intent, shall from henceforth utterly cease, and no such hereafter to be paid for any archbishopric, or bishopric, within this realm, other or otherwise than hereafter in this present Act is declared ; and that no manner person nor persons hereafter to be named, elected, presented, or postulated to any archbishopric, or bishopric, within this realm, shall pay the said annates, or first-fruits, for the said archbishopric, or bishopric, nor any other manner of sum or sums of money, pensions, or annuities for the same, or for any other like exaction, or cause, upon pain to forfeit to our said sovereign lord the king, his heirs and successors, all manner his goods and chattels for ever, and all the temporal lands and possessions of the same archbishopric, or bishopric, during the time that he or they which shall offend, contrary to this present Act, shall have, possess, or enjoy the archbishopric, or bishopric, wherefore he shall so offend contrary to the form aforesaid.

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XII. And if that upon the aforesaid reasonable, amicable, and charitable ways and means, by the king's highness to be experimented, moved, or compounded, or otherwise approved, it shall and may appear, or be seen unto his grace, that this realm shall be continually burdened and charged with this, and such other intolerable exactions and demands, as heretofore it hath been ; and that thereupon, for continuance of the same, our said holy father the pope, or any of his successors, or the Court of Rome, will, or do, or cause to be done at any time hereafter, so as is above rehearsed, unjustly, uncharitably, and unreasonably, vex, inquiet, molest, trouble, or grieve our said sovereign lord, his heirs or successors, kings of England, or any of his or their spiritual or lay subjects, or this his realm, by excommunication, excommengement, interdiction, or by any other process, censures, compulsories, ways or means :

XIII. Be it enacted by the authority aforesaid, that the king's highness, his heirs and successors, kings of England, and all his spiritual and lay subjects of the same, without any scruples of conscience, shall and may lawfully, to the honour of Almighty God, the increase and continuance of virtue and good example within this realm, the said censures, excommunications, interdictions, compulsories, or any of them notwithstanding, minister, or cause to be ministered, throughout this said realm, and all other the dominions

or territories belonging or appertaining thereunto, all and all manner of sacraments, sacramentals, ceremonies, or other divine service of Holy Church, or any other thing or things necessary for the health of the soul of mankind, as they heretofore at any time or times have been virtuously used or accustomed to do within the same; and that no manner such censures, excommunications, interdictions, or any other process or compulsories, shall be by any of the prelates, or other spiritual fathers of this region, nor by any of their ministers or substitutes, at any time or times hereafter published, executed, nor divulged, nor suffered to be published, executed, or divulged in any manner of wise.

XIV. Be it remembered that on the 9th day of July, in the 25th year of the reign of King Henry, the same lord the king, by his letters patent, sealed under his great seal, ratified and confirmed the aforesaid Act, and gave to that Act his royal assent.

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## 145. Act in Restraint of Appeals

(1533. 24 Henry VIII. c. 12. 3 S. R. 427. The whole act reprinted in G. and H. 187-195.)

**W**HERE by divers sundry old authentic histories and chronicles, it is manifestly declared and expressed, that this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown of the same, unto whom a body politic, compact of all sorts and degrees of people, divided in terms, and by names of spirituality and temporalty, be bounden and ought to bear, next to God, a natural and humble obedience: he being also institute and furnished, by the goodness and sufferance of Almighty God, with plenary, whole, and entire power, pre-eminence, authority, prerogative and jurisdiction, to render and yield justice, and final determination to all manner of folk, residents, or subjects within this his realm, in all causes, matters, debates, and contentions, happening to occur, insurg, or begin within the limits thereof, without restraint, or provocation to any foreign princes or potentates of the world; the body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and showed by that part of the said body politic, called the spirituality, now being usually called the

English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain ; for the due administration whereof, and to keep them from corruption and sinister affection, the king's most noble progenitors, and the antecessors of the nobles of this realm, have sufficiently endowed the said Church, both with honour and possessions ; and the laws temporal, for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without rapine or spoil, was and yet is administered, adjudged, and executed by sundry judges and ministers of the other part of the said body politic, called the temporality ; and both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other.

✓ II. And whereas the king, his most noble progenitors, and the nobility and commons of this said realm, at divers and sundry parliaments, as well as in the time of King Edward I., Edward III., Richard II., Henry IV., and other noble kings of this realm, made sundry ordinances, laws, statutes, and provisions for the entire and sure conservation of the prerogatives, liberties, and pre-eminences of the said imperial crown of this realm, and of the jurisdiction spiritual and temporal of the same, to keep it from the annoyance as well of the see of Rome, as from the authority of other foreign potentates, attempting the diminution or violation thereof, as often, and from time to time, as any such annoyance or attempt might be known or espied ;

And notwithstanding the said good statutes and ordinances made in the time of the king's most noble progenitors, in preservation of the authority and prerogative of the said imperial crown, as is aforesaid ; yet nevertheless since the making of the said good statutes and ordinances, divers and sundry inconveniences and dangers, not provided for plainly by the said former acts, statutes, and ordinances, have arisen and sprung by reason of appeals sued out of this realm to the see of Rome, in causes testamentary, causes of matrimony and divorces, right of tithes, oblations and obventions, not only to the great inquietation, vexation, trouble, cost and charges of the king's highness, and many of his subjects and residents in this his realm, but also to the great delay and let to the true and speedy determination of the said causes, for so

much as the parties appealing to the said Court of Rome most commonly do the same for the delay of justice ;

And forasmuch as the great distance of way is so far out of this realm, so that the necessary proofs, nor the true knowledge of the cause, can neither there be so well known, nor the witnesses there so well examined, as within this realm, so that the parties grieved by means of the said appeals be most times without remedy :

In consideration whereof the king's highness, his nobles and commons, considering the great enormities, dangers, long delays and hurts, that as well to his highness, as to his said nobles, subjects, commons, and residents of this his realm, in the said causes testamentary, causes of matrimony and divorces, tithes, oblations and obventions, do daily ensue, does therefore by his royal assent, and by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, enact, establish, and ordain, that all causes testamentary, causes of matrimony and divorces, rights of tithes, oblations and obventions (the knowledge whereof by the goodness of princes of this realm, and by the laws and customs of the same, appertaineth to the spiritual jurisdiction of this realm) already commenced, moved, depending, being, happening, or hereafter coming in contention, debate, or question within this realm, or within any the king's dominions, or marches of the same, or elsewhere, whether they concern the king our sovereign lord, his heirs and successors, or any other subjects or residents within the same, of what degree soever they be, shall be from henceforth heard, examined, discussed, clearly, finally, and definitively adjudged and determined within the king's jurisdiction and authority, and not elsewhere, in such courts spiritual and temporal of the same, as the natures, conditions, and qualities of the causes and matters aforesaid in contention, or hereafter happening in contention, shall require, without having any respect to any custom, use, or sufferance, in hindrance, let, or prejudice of the same, or to any other thing used or suffered to the contrary thereof by any other manner of person or persons in any manner of wise ; any foreign inhibitions, appeals, sentences, summons, citations, suspensions, interdictions, excommunications, restraints, judgments, or any other process or impediments, of what natures, names, qualities, or conditions soever they be, from the see of Rome, or any other foreign courts or potentates of the world, or from and out of this realm, or any other the king's dominions, or marches of the same, to the see of Rome, or to any other foreign courts or potentates, to the let or impediment thereof in any wise notwithstanding.

And that it shall be lawful to the king our sovereign lord, and to his heirs and successors, and to all other subjects or residents within this realm, or within any the king's dominions, or marches of the same, notwithstanding that hereafter it should happen any excommengement, excommunications, interdictions, citations, or any other censures, or foreign process out of any outward parts, to be fulminate, promulged, declared, or put in execution within this said realm, or in any other place or places, for any of the causes before rehearsed, in prejudice, derogation, or contempt of this said Act, and the very true meaning and execution thereof, may and shall nevertheless as well pursue, execute, have, and enjoy the effects, profits, benefits, and commodities of all such processes, sentences, judgments, and determinations done, or hereafter to be done, in any of the said courts spiritual or temporal, as the cases shall require, within the limits, power, and authority of this the king's said realm, and dominions and marches of the same, and those only, and none other to take place, and to be firmly observed and obeyed within the same.

\* \* \* \* \*

X. And if it shall happen any person or persons hereafter to pursue or provoke any appeal contrary to the effect of this Act, or refuse to obey, execute, and observe all things comprised within the same, concerning the said appeals, provocations, and other foreign processes to be sued out of this realm, for any the causes aforesaid, that then every such person or persons so doing, refusing, or offending contrary to the true meaning of this Act, their procurers, fautors, advocates, counsellors, and abettors, and every of them, shall incur into the pains, forfeitures, and penalties ordained and provided in the said statute made in the said sixteenth year of King Richard II., and with like process to be made against the said offenders, as in the same statute made in the said sixteenth year more plainly appeareth.



## 146. Ecclesiastical Appointments Act

(1534. 25 Henry VIII. c. 20. 3 S. R. 462. The whole act, "The Absolute Restraint of Annates, Election of Bishops, and Letters Missive Act," reprinted in G. and H. 201-209.)

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IV. AND furthermore be it ordained and established by the authority aforesaid, that at every avoidance of every archbishopric

or bishopric within this realm, or in any other the king's dominions, the king our sovereign lord, his heirs and successors, may grant to the prior and convent, or the dean and chapter of the cathedral churches or monasteries where the see of such archbishopric or bishopric shall happen to be void, a licence under the great seal, as of old time has been accustomed, to proceed to election of an archbishop or bishop of the see so being void, with a letter missive, containing the name of the person which they shall elect and choose: by virtue of which licence the said dean and chapter, or prior and convent, to whom any such licence and letters missive shall be directed, shall with all speed and celerity in due form elect and choose the same person named in the said letters missive, to the dignity and office of the archbishopric or bishopric so being void, and none other.

And if they do defer or delay their election above twelve days next after such licence and letters missive to them delivered, that then for every such default the king's highness, his heirs and successors, at their liberty and pleasure shall nominate and present, by their letters patent under their great seal, such a person to the said office and dignity so being void, as they shall think able and convenient for the same.

And that every such nomination and presentment to be made by the king's highness, his heirs and successors, if it be to the office and dignity of a bishop, shall be made to the archbishop and metropolitan of the province where the see of the same bishopric is void, if the see of the said archbishopric be then full, and not void; and if it be void, then to be made to such archbishop or metropolitan within this realm, or in any the king's dominions, as shall please the king's highness, his heirs or successors: and if any such nomination or presentment shall happen to be made for default of such election to the dignity or office of any archbishop, then the king's highness, his heirs and successors, by his letters patent under his great seal, shall nominate and present such person, as they will dispose to have the said office and dignity of archbishopric being void, to one such archbishop and two such bishops, or else to four such bishops within this realm, or in any of the king's dominions, as shall be assigned by our said sovereign lord, his heirs or successors.

V. And be it further enacted by the authority aforesaid, that whensoever any such presentment or nomination shall be made by the king's highness, his heirs or successors, by virtue and authority of this Act, and according to the tenor of the same; that then every archbishop and bishop, to whose hands any such presentment and



nomination shall be directed, shall with all speed and celerity invest and consecrate the person nominate and presented by the king's highness, his heirs or successors, to the office and dignity that such person shall be so presented unto, and give and use to him pall, and all other benedictions, ceremonies, and things requisite for the same, without suing, procuring, or obtaining hereafter any bulls or other things at the see of Rome, for any such office or dignity in any behalf.

And if the said dean and chapter, or prior and convent, after such licence and letters missive to them directed, within the said twelve days do elect and choose the said person mentioned in the said letters missive, according to the request of the king's highness, his heirs or successors, thereof to be made by the said letters missive in that behalf, then their election shall stand good and effectual to all intents.

\* \* \* \* \*

VII. And be it further enacted by the authority aforesaid, that if the prior and convent of any monastery, or dean and chapter of any cathedral church, where the see of any archbishop or bishop is, within any of the king's dominions, after such licence as is afore rehearsed, shall be delivered to them, proceed not to election, and signify the same according to the tenor of this Act, within the space of twenty days next after such licence shall come to their hands ; or else if any archbishop or bishop, within any the king's dominions, after any such election, nomination, or presentation shall be signified unto them by the king's letters patent, shall refuse, and do not confirm, invest, and consecrate with all due circumstance as is aforesaid, every such person as shall be so elected, nominate, or presented, and to them signified as is above mentioned, within twenty days next after the king's letters patent of such signification or presentation shall come to their hands ; or else if any of them, or any other person or persons, admit, maintain, allow, obey, do or execute any censures, excommunications, interdictions, inhibitions, or any other process or act, of what nature, name, or quality soever it be, to the contrary, or let of due execution of this Act ; that then every prior and particular person of his convent, and every dean and particular person of the chapter, and every archbishop and bishop, and all other persons, so offending and doing contrary to this Act, or any part thereof, and their aiders, counsellors, and abettors, shall run into the dangers, pains, and penalties of the Statute of the Provision and Præmunire, made in

the five-and-twentieth year of the reign of King Edward III., and in the sixteenth year of King Richard II.

## 147. The First Act of Succession

(1534. 25 Henry VIII. c. 22. 3 S. R. 471. The whole act reprinted in G. and H. 232-243.)

**I**N their most humble wise shown unto your majesty your most humble and obedient subjects, the lords spiritual and temporal and the commons in this present Parliament assembled, that since it is the natural inclination of every man gladly and willingly to provide for the surety of both his title and succession, although it touch only his private cause; we therefore, most rightful and dreadful sovereign lord, reckon ourselves much more bound to beseech and instant your highness (although we doubt not of your princely heart and wisdom, mixed with a natural affection to the same) to foresee and provide for the perfect surety of both you, and of your most lawful succession and heirs, upon which dependeth all our joy and wealth, in whom also is united and knit the only mere true inheritance and title of this realm, without any contradiction;

Wherefore we your said most humble and obedient subjects, in this present Parliament assembled, calling to our remembrance the great divisions which in times past have been in this realm, by reason of several titles pretended to the imperial crown of the same, which sometimes, and for the most part ensued, by occasion of ambiguity and doubts, then not so perfectly declared, but that men might, upon froward intents, expound them to every man's sinister appetite and affection, after their sense, contrary to the right legality of the succession and posterity of the lawful kings and emperors of this realm; whereof hath ensued great effusion and destruction of man's blood, as well of a great number of the nobles, as of other the subjects, and especially inheritors in the same; and the greatest occasion thereof hath been because no perfect and substantial provision by law hath been made within this realm of itself, when doubts and questions have been moved and proponed, of the certainty and legality of the succession and posterity of the crown; by reason whereof the Bishop of Rome and See Apostolic, contrary to the great and inviolable grants of jurisdictions given by God immediately to emperors, kings and princes, in succession to their heirs, has presumed, in times past,

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who should please them, to inherit in other men's kingdoms and dominions, which thing we, your most humble subjects, spiritual and temporal, do utterly abhor and detest ; and some other foreign princes and potentates of sundry degrees, rather dissension and discord to continue in the realm, to the desolation thereof, than charity, equity, or unity, have sometimes supported wrong titles, whereby they might the more easily and readily aspire to the superiority of the same ; the consideration whereof, deeply considered and pondered, is dangerous and perilous to be suffered any longer within the realm, and too much contrary to the unity, peace, and tranquillity of the same, being greatly reproachable and dishonourable to the whole realm .

In consideration whereof, your said most humble and obedient subjects, the nobles and commons of this realm, calling to their remembrance that the good unity, peace, and tranquillity of this realm, and the succession of the subjects of the realm, most especially and principally above all worldly things, doth rest in the certainty and surety of the procreation and continuance of your highness, in whose most royal person, at this time, is no manner of doubt nor question ; do therefore humbly beseech your highness, that it may please your

highness, that it may please your highness, with the assent

ager to Prince Arthur, and not queen of this realm ; and that the lawful matrimony had and solemnized between your highness and your most dear and entirely beloved wife Queen Anne shall be established, and taken for undoubtful, true, sincere, and perfect ever hereafter, according to the just judgment of the said Thomas, archbishop of Canterbury, metropolitan and primate of all this realm, whose grounds of judgment have been confirmed, as well by the whole clergy of this realm in both the Convocations, and by both the universities thereof, as by the universities of Bologna, Padua, Paris, Orleans, Toulouse, Angers, and divers others, and also by the private writings of many right excellent well-learned men ; which grounds so confirmed, and judgment of the said archbishop ensuing the same, together with your marriage solemnized between your highness and your said lawful wife Queen Anne, we your said subjects, both spiritual and temporal, do purely, plainly, constantly, and firmly accept, approve, and ratify for good and consonant to the laws of Almighty God, without error or default, most humbly beseeching your majesty, that it may be so established for ever by your most gracious and royal assent.

\* \* \* \* \*

VI. And also be it enacted by authority aforesaid, that all the issue had and procreated, or hereafter to be had and procreated, between your highness and your said most dear and entirely beloved wife Queen Anne, shall be your lawful children, and be inheritable, and inherit, according to the course of inheritance and laws of this realm, the imperial crown of the same, with all dignities, honours, pre-eminences, prerogatives, authorities, and jurisdictions to the same annexed or belonging, in as large and ample manner as your highness at this present time has the same as king of this realm ; the inheritance thereof to be and remain to your said children and right heirs in manner and form as hereafter shall be declared, that is to say :

VII. First the said imperial crown, and other the premises, shall be to your majesty, and to your heirs of your body lawfully begotten, that is to say : to the first son of your body, between your highness and your said lawful wife, Queen Anne, begotten, and to the heirs of the body of the same first son lawfully begotten, and for default of such heirs, then to the second son of your body and of the body of the said Queen Anne begotten, and to the heirs of the body of the said second son lawfully begotten, and so to every son of your body and of the body of the said Queen Anne begotten, and to the heirs of the body of every such son begotten, according to the

course of inheritance in that behalf ; and if it shall happen your said dear and entirely beloved wife Queen Anne to decease without issue male of the body of your highness to be begotten (which God defend), then the same imperial crown, and all other the premises, to be to your majesty, as is aforesaid, and to the son and heir male of your body lawfully begotten, and to the heirs of the body of the same son and heir male lawfully begotten ; and for default of such issue, then to your second son of your body lawfully begotten, and to the heirs of the body of the same second son lawfully begotten, and so from son and heir male to son and heir male, and to the heirs of the several bodies of every such son and heir male to be begotten, according to the course of inheritance, in like manner and form as is above said.

And for default of such sons of your body begotten, and of the heirs of the several bodies of such sons lawfully begotten, that then the said imperial crown, and other the premises, shall be to the issue female between your majesty and your said most dear and entirely beloved wife, Queen Anne, begotten, that is to say : first to the eldest issue female, which is the Lady Elizabeth, now princess, and to the heirs of her body lawfully begotten, and for default of such issue, then to the second issue female, and to the heirs of her body lawfully begotten, and so from issue female to issue female, and to the heirs of their bodies one after another, by course of inheritance, according to their ages, as the crown of England has been accustomed, and ought to go, in cases where there be heirs female to the same ; and for default of such issue, then the said imperial crown, and all other the premises, shall be in the right heirs of your highness for ever.

\* \* \* \* \*

XIII. And for the more sure establishment of the succession of your most royal majesty, according to the tenor and form of this Act, be it further enacted by authority aforesaid, that as well all the nobles of your realm spiritual and temporal, as all other your subjects now living and being, or which hereafter shall be, at their full ages, by the commandment of your majesty or of your heirs, at all times hereafter from time to time, when it shall please your highness or your heirs to appoint, shall make a corporal oath in the presence of your highness or your heirs, or before such others as your majesty or your heirs will depute for the same, that they shall truly, firmly, and constantly, without fraud or guile, observe, fulfil, maintain, defend, and keep, to their cunning, wit, and uttermost of their powers, the whole effects and contents of

this present Act. And that all manner your subjects, as well spiritual as temporal, suing livery, restitutions, or *ouster le main* out of the hands of your highness or of your heirs, or doing any fealty to your highness or to your heirs, by reason of tenure of their lands, shall swear a like corporal oath, that they and every of them, without fraud or guile, to their cunning, wit, and uttermost of their powers, shall truly, firmly, and constantly observe, fulfil, maintain, defend, and keep the effects and contents contained and specified in this Act, or in any part thereof; and that they, nor any of them, shall hereafter have any liveries, *ouster le main*, or restitution out of your hands, nor out of the hands of your heirs, till they have made the said corporal oath in form above rehearsed. And if any person or persons, being commanded by authority of this Act to make the said oath afore limited, obstinately refuse that to do, in contempt of this Act, that then every such person so doing, to be taken and accepted for offender in misprision of high treason; and that every such refusal shall be deemed and adjudged misprision of high treason; and the offender therein to suffer such pains and imprisonment, losses and forfeitures, and also lose privileges of sanctuaries, in like manner and form as is above mentioned for the misprisions of treasons afore limited by this Act.

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## 148. Act of Supremacy of Henry VIII

(1534. 26 Henry VIII. c. 1. 3 S. R. 492. G. and H. 243-244.)

**A**LBEIT the king's majesty justly and rightfully is and ought to be the supreme head of the Church of England, and so is recognized by the clergy of this realm in their Convocations, yet nevertheless for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of England, and to repress and extirp all errors, heresies, and other enormities and abuses heretofore used in the same: be it enacted by authority of this present Parliament, that the king our sovereign lord, his heirs and successors, kings of this realm, shall be taken, accepted, and reputed the only supreme head in earth of the Church of England, called *Anglicana Ecclesia*; and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and style thereof, as all honours, dignities, pre-

eminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of supreme head of the same Church belonging and appertaining ; and that our said sovereign lord, his heirs and successors, kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, offences, contempts, and enormities, whatsoever they be, which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended, most to the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity, and tranquillity of this realm ; any usage, custom, foreign law, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding.

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### 149. The Treasons Act

(1534. 26 Henry VIII. c. 13. 3 S. R. 508. G. and H. 247-250.)

**F**ORASMUCH as it is most necessary, both for common policy and duty of subjects, above all things to prohibit, provide, restrain, and extinct all manner of shameful slanders, perils, or imminent danger or dangers, which might grow, happen, or rise to their sovereign lord the king, the queen, or their heirs, which when they be heard, seen, or understood, cannot be but odible, and also abhorred of all those sorts that be true and loving subjects, if in any point they may do, or shall touch the king, his queen, their heirs or successors, upon which dependeth the whole unity and universal weal of this realm, without providing wherefore too great a scope of unreasonable liberty should be given to all cankered and traitorous hearts, willers and workers of the same ; and also the king's loving subjects should not declare unto their sovereign lord now being, which unto them has been, and is most entirely both beloved and esteemed, their undoubted sincerity and truth.

II. Be it therefore enacted by the assent and consent of our sovereign lord the king, and the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, that if any person or persons, after the first day of February next coming, do maliciously wish, will, or desire, by words or writing, or by craft imagine, invent, practise, or

attempt any bodily harm to be done or committed to the king's most royal person, the queen's, or their heirs apparent, or to deprive them or any of them of their dignity, title, or name of their royal estates, or slanderously and maliciously publish and pronounce, by express writing or words, that the king our sovereign lord should be heretic, schismatic, tyrant, infidel or usurper of the crown, or rebelliously do detain, keep, or withhold from our said sovereign lord, his heirs or successors, any of his or their castles fortresses, fortalices, or holds within this realm, or in any other the king's dominions or marches, or rebelliously detain, keep, or withhold from the king's said highness, his heirs or successors, any of his or their ships, ordnances, artillery, or other munitions or fortifications of war, and do not humbly render and give up to our said sovereign lord, his heirs or successors, or to such persons as shall be deputed by them, such castles, fortresses, fortalices, holds, ships, ordnances, artillery, and other munitions and fortifications of war, rebelliously kept or detained, within six days next after they shall be commanded by our said sovereign lord, his heirs or successors, by open proclamation under the great seal :

That then every such person and persons so offending in any the premises, after the said first day of February, their aiders, counsellors, consenters, and abettors, being thereof lawfully convicted according to the laws and customs of this realm, shall be adjudged traitors, and that every such offence in any the premises, that shall be committed or done after the said first day of February, shall be reputed, accepted, and adjudged high treason, and the offenders therein and their aiders, consenters, counsellors, and abettors, being lawfully convicted of any such offence as is aforesaid, shall have and suffer such pains of death and other penalties, as is limited and accustomed in cases of high treason.

III. And to the intent that all treasons should be the more dread, hated and detested to be done by any person or persons, and also because it is a great boldness and an occasion to ill-disposed persons, to adventure and embrace their malicious intents and enterprises, which all true subjects ought to study to eschew : be it therefore enacted by the authority aforesaid, that none offender in any kinds of high treasons whatsoever they be, their aiders, consenters, counsellors, nor abettors, shall be admitted to have the benefit or privilege of any manner of sanctuary, considering that matters of treasons touch so nigh both the surety of the king our sovereign lord's person, and his heirs and successors.

IV. And over that, be it enacted by authority aforesaid, that if any of the king's subjects, denizens or other, do commit or prac-



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of the limits of this realm, in any outward parts, any such  
which by this Act are made, or heretofore have been made  
that then such treasons, whatsoever they be, or wheresoever  
shall happen so to be done or committed, shall be inquired and  
by the oaths of twelve good and lawful men, upon good  
able evidence and witness, in such shire and county of this  
and before such persons as it shall please the king's highness  
by commission under his great seal, in like manner and  
treasons committed within this realm have been used to  
red of and presented; and that upon every indictment  
ment found and made of any such treasons, and certu-  
the King's Bench, like process and other circumstance  
there had and made against the offenders, as if the same  
so presented, had been lawfully found to be done and  
ed within the limits of this realm. And that all process  
ry hereafter to be made and had within this realm against  
nders in treason, being resident or inhabited out of the  
this realm, or in any of the parts beyond the sea, at  
e of the outlawry pronounced against them, shall be as  
as effectual in the law to all intents and purposes, as if  
nders had been resident and dwelling within this realm at  
of such process awarded, and outlawry pronounced.

And as it hath been reported by authority aforesaid, that every

## 150. Act for the Dissolution of the Lesser Monasteries

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(1536. 27 Henry VIII. c. 28. 3 S. R. 575. The whole act reprinted in G. and H. 257-268.)

**F**ORASMUCH as manifest sin, vicious, carnal and abominable living is daily used and committed among the little and small abbeys, priories, and other religious houses of monks, canons, and nuns, where the congregation of such religious persons is under the number of twelve persons, whereby the governors of such religious houses, and their convent, spoil, destroy, consume, and utterly waste, as well their churches, monasteries, priories, principal houses, farms, granges, lands, tenements, and hereditaments, as the ornaments of their churches, and their goods and chattels, to the high displeasure of Almighty God, slander of good religion, and to the great infamy of the king's highness and the realm, if redress should not be had thereof. And albeit that many continual visitations hath been heretofore had, by the space of two hundred years and more, for an honest and charitable reformation of such unthrifty, carnal, and abominable living, yet nevertheless little or none amendment is hitherto had, but their vicious living shamelessly increases and augments, and by a cursed custom so rooted and infected, that a great multitude of the religious persons in such small houses do rather choose to rove abroad in apostasy, than to conform themselves to the observation of good religion; so that without such small houses be utterly suppressed, and the religious persons therein committed to great and honourable monasteries of religion in this realm, where they may be compelled to live religiously, for reformation of their lives, there can else be no redress nor reformation in that behalf:

In consideration whereof, the king's most royal majesty — being supreme head on earth, under God, of the Church of England, daily studying and devising the increase, advancement, and exaltation of true doctrine and virtue in the said Church, to the only glory and honour of God, and the total extirping and destruction of vice and sin, having knowledge that the premises be true, as well by the accounts of his late visitations, as by sundry credible informations, considering also that divers and great solemn monasteries of this realm, wherein (thanks be to God) religion is right well kept and observed, be destitute of such full numbers of

religious persons, as they ought and may keep — has thought good that a plain declaration should be made of the premises, as well to the lords spiritual and temporal, as to other his loving subjects, the commons, in this present Parliament assembled: whereupon the said lords and commons, by a great deliberation, finally be resolved, that it is and shall be much more to the pleasure of Almighty God, and for the honour of this his realm, that the possessions of such small religious houses, now being spent, spoiled, and wasted for increase and maintenance of sin, should be used and committed to better uses, and the unthrifty religious persons, so spending the same, to be compelled to reform their lives: and thereupon most humbly desire the king's highness that it may be enacted by authority of this present Parliament, that his majesty shall have and enjoy to him and to his heirs for ever, all and singular such monasteries, priories, and other religious houses of monks, canons, and nuns, of what kinds or diversities of habits, rules, or order soever they be called or named, which have not in lands, tenements, rents, tithes, portions, and other hereditaments, above the clear yearly value of two hundred pounds. And in like manner shall have and enjoy all the sites and circuits of every such religious houses, and all and singular the manors, granges, meases, lands, tenements, rents, reversions, services, tithes, pensions, portions, churches, chapels, advowsons, patronages, annuities, rights, entries, conditions, and other hereditaments appertaining or belonging to every such monastery, priory, or other religious house, not having, as is aforesaid, above the said clear yearly value of two hundred pounds, in as large and ample manner as the abbots, priors, abbesses, prioresses, or other governors of such monasteries, priories, and other religious houses now have, or ought to have the same in the right of their houses. And that also his highness shall have to him and to his heirs all and singular such monasteries, abbeys, and priories, which at any time within one year next before the making of this Act have been given and granted to his majesty by any abbot, prior, abbess, or prioress, under their convent seals, or that otherwise, have been suppressed or dissolved, and all and singular the manors, lands, tenements, rents, services, reversions, tithes, pensions, portions, churches, chapels, advowsons, patronages, rights, entries, conditions, and all other interests and hereditaments to the same monasteries, abbeys, and priories, or to any of them appertaining or belonging; to have and to hold all and singular the premises, with all their rights, profits, jurisdictions, and commodities, unto the king's majesty, and his heirs and assigns for ever, to do and

use therewith his and their own wills, to the pleasure of Almighty God, and to the honour and profit of this realm.

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IX. And be it further enacted, ordained, and established by authority aforesaid, that all and singular persons, bodies politic and corporate, to whom the king's majesty, his heirs and successors, hereafter shall give, grant, let, or demise any site or precinct, with the houses thereupon builded, together with the demesnes of any monasteries, priories, or other religious houses, that shall be dissolved or given to the king's highness by this Act, and the heirs, successors, executors, and assigns of every such person, body politic and corporate, shall be bound by authority of this Act, under the penalties hereafter ensuing, to keep, or cause to be kept, an honest continual house and household in the same site or precinct, and to occupy yearly as much of the same demesnes in ploughing and tillage of husbandry, that is to say, as much of the said demesnes which hath been commonly used to be kept in tillage by the governors, abbots, or priors of the same houses, monasteries, or priories, or by their farmer or farmers occupying the same within the time of twenty years next before this Act.

X. And if any person or persons, bodies politic or corporate, that shall be bounden by this Act, do not keep an honest household of husbandry and tillage, in manner and form as is aforesaid, that then he or they so offending shall forfeit to the king's highness for every month so offending six pounds thirteen shillings and fourpence, to be recovered to his use in any of his courts of record.

XI. And over that it is enacted by authority aforesaid, that all justices of peace, in every shire where any such offence shall be committed or done, contrary to the true meaning and intent of this present Act, shall, in every quarter and general sessions within the limits of their commission, inquire of the premises, and shall have full power and authority to hear and determine the same, and to tax and assess no less fine for every the said offences, than is afore limited for the same offences, and the estreats thereof to be made and certified into the king's exchequer, according and at such time and form as other estreats of fines, issues, and amerciaments are made by the same justices.

151. The King at Twenty-four may repeal  
Acts of Parliament passed during his  
Minority

(1536. 28 Henry VIII. c. 17. 3 S. R. 673.)

**F**ORASMUCH as laws and statutes may happen hereafter to be made within this realm at parliaments held at such times as the kings of the same shall happen to be within age, having small knowledge and experience of their affairs, to the great hindrance and derogation of the imperial crown of this realm, and to the universal damage of the common wealth of the subjects of the same: be it therefore enacted by authority of this present parliament, that if the imperial crown of this realm, after the decease of the king's most royal majesty, whose life our Lord long preserve, descend, come or remain to the heirs of our said sovereign lord or to any person to be limited by his highness, as of very right it must and ought to do according to the laws of this realm established for the same, the said heirs or such person being within the age of twenty-four years, and that then any act or acts of parliament shall happen to be made and established, in any parliament that then shall be held before such heir or heirs, person or persons then being in possession of the said crown shall be of their full ages of twenty-four years, that then every such heir or heirs of our said sovereign lord, or such persons so possessed of the crown and being within the same age of twenty-four years, shall have full power and authority at all times, after they shall come to their said full ages of twenty-four years, by their letters patent under the great seal of England, to revoke, annul and repeal all and singular such acts made and established by their royal assents, in any parliament held during the time that they were within their said age of twenty-four years; their royal assents had to the same during the time that they were within the said age of twenty-four years or any act or acts hereafter to be made to the contrary thereof notwithstanding.

II. And be it also enacted by authority aforesaid that every such repeal, annulment and revocation of any act or acts, that shall be made and established in any parliament held before the time that such heirs or person possessed of the crown shall be of the said age of twenty-four years, shall be as good and effectual to all intents and purposes as though it had been done by authority of parliament.

## 152. The Lex Regia

(1539. 31 Henry VIII. c. 8. 3 S. R. 726.)

**F**ORASMUCH as the king's most royal majesty for divers considerations, by the advice of his council, hath heretofore set forth divers and sundry his grace's proclamations, as well for and concerning divers and sundry articles of Christ's religion, as for an unity and concord to be had amongst the loving and obedient subjects of this his realm and other his dominions, and also concerning the advancement of his commonwealth and good quiet of his people, which nevertheless divers and many froward, wilful and obstinate persons have wilfully contemned and broken, not considering what a king by his royal power may do, and for lack of a direct statute and law to coarct offenders to obey the said proclamations, which, being still suffered, should not only encourage offenders to the disobedience of the precepts and laws of Almighty God, but also be too much to the great dishonour of the king's most royal majesty, who may full ill bear it, and also give too great heart and boldness to all malefactors and offenders; considering also that sudden causes and occasions fortune many times which do require speedy remedies, and that by abiding for a parliament in the mean time might happen great prejudice to ensue to the realm; and weighing also that His Majesty (which by the kingly and regal power given him by God may do many things in such cases) should not be driven to extend the liberty and supremacy of his regal power and dignity by wilfulness of froward subjects; it is therefore thought in manner more than necessary that the king's highness of this realm for the time being with the advice of his honourable council should make and set forth proclamations, for the good and politic order and governance of this his realm of England, Wales and other his dominions from time to time for the defence of his regal dignity and the advancement of his commonwealth and good quiet of his people, as the cases of necessity shall require, and that an ordinary law should be provided by the assent of his majesty and parliament, for the due punishment, correction and reformation of such offences and disobediences; be it therefore enacted by the authority of this present parliament, with the king's majesty, the lords spiritual and temporal and the commons' assent, that always the king for the time being with the advice of his honourable council, whose names hereafter followeth, may set forth at all times by

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tions, under such penalties and pains and of such sort as his highness and his said honourable council shall seem good and requisite, and that those same shall be obeyed, kept and kept as though they were made by act of parliament, the time in them limited, unless the king's highness discharge them or any of them under his great seal.

Provided always that the words, meaning and intent of this act be not understood, interpreted, construed or extended, that none of it any of the king's liege people, of what estate, condition soever he or they be, bodies politic or corporate, their heirs or successors, should have any of his or their lands, lawful possessions, offices, liberties, privileges, franchises or chattels taken from them or any of them, nor by the said act suffer any pains of death, other than shall be declared in this act, nor that by any proclamation to be made by virtue of this act, any acts, common laws standing at that time in strength and force, nor yet any lawful or customs of this realm or any of them, shall be infringed, or subverted: and especially all those acts standing this day in force which have been made in the king's highness' time, nor every such person and persons, bodies politic and corporate, their heirs and successors and the heirs and successors of them, their inheritances, lawful possessions, offices, liber-

IV. And be it further enacted by the authority aforesaid, that if any person or persons, of what estate, degree or condition soever he or they be, which at any time hereafter do wilfully offend and break or obstinately not observe and keep any such proclamation or any article therein contained which shall proceed from the king's majesty by the advice of his council as is aforesaid, that then all and every such offender or offenders, being thereof, within one half year next after his or their offence committed, accused and thereof within eighteen months next after the same offence so committed convicted by confession or lawful witness and proofs before the archbishop of Canterbury metropolitan, the chancellor of England, the lord treasurer of England, the lord president of the king's most honourable council, the lord privy seal, the great chamberlain of England, lord admiral, lord steward or grand master, lord chamberlain of the king's most honourable household, two other bishops being of the king's council, such as his grace shall appoint for the same, the secretary, the treasurer and comptroller of the king's most honourable household, the master of the horse, the two chief judges and the master of the rolls for the time being, the chancellor of the augmentations, the chancellor of the duchy, the chief baron of the exchequer, the two general surveyors, the chancellor of the exchequer, the under treasurer of the same, the treasurer of the king's chamber for the time being, in the star chamber at Westminster or elsewhere, or at the least before the half of the number afore rehearsed, of which number the lord chancellor, the lord treasurer, the lord president of the king's most honourable council, the lord privy seal, the chamberlain of England, the lord admiral, the two chief judges for the time being or two of them shall be two, shall lose and pay such penalties, forfeitures of sums of money, to be levied of his or their land, tenants, goods and chattels to the king's use, and also suffer such imprisonment of his body, as shall be expressed, mentioned and declared in any such proclamation or proclamations which such offender or offenders shall offend and break or not observe and keep, contrary to this act as is aforesaid; and that execution shall be had, done and made against every such offender and offenders with the addition of the names or surnames, towns or counties, mystery or occupation of the said offenders, by such order, process, ways and means and after such manner, form and condition as by the king's highness and the said council shall be devised and thought most convenient for example of such offenders: provided alway that none offender, which shall offend contrary to the form of any such proclamations, shall incur the



danger and penalty thereof, except such proclamation or proclamations be had, done or made in such shire or county where the offender hath or shall dwell or be most conversant within a year before.

V. And be it further enacted by the authority aforesaid, that the lord chancellor, the lord privy seal and either of them, with the assent of six of the afore named, shall have power and authority by their discretions, upon every information to be given to them or either of them touching the premises, to cause process to be made against all and singular such offenders by writs under the king's great seal or under his grace's privy seal in form following, that is to say ; first by proclamation under a pain or a penalty by the discretion of the aforesaid councillors appointed for the awarding of process, and if he appear not to the same without a lawful excuse, then the said councillors to award out another proclamation upon allegation of the same offender, for the due examination, trial and conviction of every such person and persons as shall offend contrary to this act, for the due execution to be had of and for the same in manner and form as is above remembered ; except it be within the liberty of the county palatine of the duchy of Lancaster ; and in case it so be, then to pass by the chancellor of the king's duchy of Lancaster under the seal of the said duchy, with the assent of six at the least of the aforenamed councillors.

\* \* \* \* \*

VIII. And be it further enacted, that if it happen our said sovereign lord the king to decease (whose life God long preserve) before such time as that person which shall be his next heir or successor to the imperial crown of this realm, shall accomplish and come to the age of eighteen years, that then all and singular proclamations which shall be in any wise made and set forth into any part of this realm or other the king's dominions by virtue of this act, within the aforesaid years of the said next heir or successor, shall be set forth in the successor's name then being king, and shall import or bear underwritten the full names of such of the king's honourable council then being as shall be the devisors or setters forth of the same which shall be in this case the whole number afore rehearsed, or at least the more part of them, or else the proclamations to be void and of none effect.

\* \* \* \* \*

■ 53. Act for the Dissolution of the Greater Monasteries

☞ 1539. 31 Henry VIII. c. 13. 3 S. R. 733. The whole act reprinted in G. and H. 281-303.)

WHERE divers and sundry abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of divers monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places within this our sovereign lord the king's realm of England and Wales, of their own free and voluntary minds, good wills and assents, without constraint, coercion, or compulsion of any manner of person or persons, since the fourth day of February, the twenty-seventh year of the reign of our now most dread sovereign lord, by the due order and course of the common laws of this his realm of England, and by their sufficient writings of record, under their convent and common seals, have severally given, granted, and by the same their writings severally confirmed all their said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, and all their sites, circuits, and precincts of the same, and all and singular their manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, churches, chapels, advowsons, patronages, annuities, rights, entries, conditions, commons, leets, courts, liberties, privileges, and franchises appertaining or in any wise belonging to any such monastery, abbacy, priory, nunnery, college, hospital, house of friars, and other religious and ecclesiastical houses and places, or to any of them, by whatsoever name or corporation they or any of them were then named or called, and of what order, habit, religion, or other kind or quality soever they or any of them then were reputed, known, or taken; to have and to hold all the said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lands, tenements, meadows, pastures, rents, reversions, services, and all other the premises, to our said sovereign lord, his heirs and successors for ever, and the same their said monasteries, abbacies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions,

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premises, voluntarily, as is aforesaid, have forsaken, and every of them has renounced,

enacted by the king our sovereign lord, spiritual and temporal, and the commons, in this assembled, and by authority of the same, that our said lord shall have, hold, possess, and enjoy and successors for ever, all and singular such abbacies, priories, nunneries, colleges, hospitals, and other religious and ecclesiastical houses and lands, tenements, natures, qualities, or diversities of habits, or orders they, or any of them, were named, which since the said fourth day of February, the first day of the reign of our said sovereign lord, have been suppressed, renounced, relinquished, forfeited, or by any other mean come to his highness; and by the same authority, shall have, hold, possess, and enjoy, circuits, precincts, manors, lordships, granges, tenements, meadows, pastures, rents, reversions, tithes, pensions, portions, parsonages appropriated, churches, chapels, advowsons, nominations, patronages, rights, interests, entries, conditions, commons, liberties, privileges, franchises, and other whatsoever which appertained or belonged to the said late abbacies, priories, nunneries, colleges, hospitals, and other religious or ecclesiastical houses and lands, and every of them, in as large and ample manner and to the same effect, as our said late monasteries, convents, and houses of friars,

## 154. The Six Articles Act

(1539. 31 Henry VIII. c. 14. 3 S. R. 739. The whole act reprinted in G. and H. 303-319.)

**W**HERE the king's most excellent majesty is, by God's law, supreme head immediately under Him of this whole Church and congregation of England, intending the conservation of the same Church and congregation in a true, sincere, and uniform doctrine of Christ's religion, calling also to his blessed and most gracious remembrance as well the great and quiet assurance, prosperous increase, and other innumerable commodities, which have ever ensued, come, and followed, of concord, agreement, and unity in opinions, as also the manifold perils, dangers, and inconveniences which have heretofore, in many places and regions, grown, sprung, and arisen, of the diversities of minds and opinions, especially of matters of Christian religion, and therefore desiring that such a unity might and should be charitably established in all things touching and concerning the same, as the same, so being established, might chiefly be to the honour of Almighty God, the very Author and Fountain of all true unity and sincere concord, and consequently redound to the common wealth of this his highness's most noble realm, and of all his loving subjects, and other residents and inhabitants of or in the same; has therefore caused and commanded this his most High Court of Parliament, for sundry and many urgent causes and considerations, to be at this time summoned, and also a synod and Convocation of all the archbishops, bishops, and other learned men of the clergy of this his realm, to be in like manner assembled.

II. And forasmuch as in the said Parliament, synod, and Convocation, there were certain Articles, matters, and questions proposed and set forth touching Christian religion, that is to say:

First, whether in the most blessed Sacrament of the Altar remaineth, after the consecration, the substance of bread and wine, or no.

Secondly, whether it be necessary by God's law that all men should be communicate with both kinds, or no.

Thirdly, whether priests, that is to say, men dedicate to God by priesthood, may, by the law of God, marry after, or no.

Fourthly, whether vow of chastity or widowhood, made to God advisedly by man or woman, be, by the law of God, to be observed, or no.

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whether private masses stand with the law of God, and used and continued in the Church and congregation of as things whereby good Christian people may and do both godly consolation and wholesome benefits, or no. whether auricular confession is necessary to be retained, used, and frequented in the Church, or no. The king's most royal majesty, most prudently pondering and considering, that by occasion of variable and sundry opinions and judgments of the said Articles, great discord and variance has arisen, as well amongst the clergy of this his realm, as amongst a number of vulgar people, his loving subjects of the same, being in a full hope and trust that a full and perfect resolution of the said Articles should make a perfect concord and unity amongst all his loving and obedient subjects, of his excellent goodness not only commanded that the said Articles should deliberately and advisedly, by his said archbishops, bishops, and other learned men of his clergy, be debated, argued, considered, and their opinions therein to be understood, declared, and known, but also most graciously vouchsafed, in his most excellent person, to descend and come into his said High Court of Parliament and council, and there, like a prince of most wisdom and no less learning, opened and declared many things of his high learning and great knowledge, touching the said

of wine, is the very flesh ; as well apart, as though they were both together.

Thirdly, that priests after the order of priesthood received, as afore, may not marry, by the law of God.

Fourthly, that vows of chastity or widowhood, by man or woman made to God advisedly, ought to be observed by the law of God ; and that it exempts them from other liberties of Christian people, which without that they might enjoy.

Fifthly, that it is meet and necessary that private masses be continued and admitted in this the king's English Church and congregation, as whereby good Christian people, ordering themselves accordingly, do receive both godly and goodly consolations and benefits ; and it is agreeable also to God's law.

Sixthly, that auricular confession is expedient and necessary to be retained and continued, used and frequented in the Church of God.

IV. For the which most godly study, pain, and travail of his majesty, and determination and resolution of the premises, his most humble and obedient subjects, the lords spiritual and temporal, and the commons, in this present Parliament assembled, do not only render and give unto his highness their most high and hearty thanks, and think themselves most bound to pray for the long continuance of his grace's most royal estate, but also being desirous that his most godly enterprise may be well accomplished, and brought to a full end and perfection, and so established that the same might be to the honour of God, and after, to the common quiet, unity, and concord to be had in the whole body of this realm for ever, most humbly beseech his royal majesty, that the resolution and determination above written of the said Articles may be established, and perpetually perfected, by authority of this present Parliament :

V. It is therefore ordained and enacted by the king our sovereign lord, the lords spiritual and temporal, and the commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons within this realm of England, or any other the king's dominions, after the twelfth day of July next coming, by word, writing, imprinting, ciphering, or in any other wise do publish, preach, teach, say, affirm, declare, dispute, argue, or hold any opinion, that in the blessed Sacrament of the Altar, under form of bread and wine (after the consecration thereof), there is not present really the natural body and blood of our Saviour Jesus Christ, conceived of the Virgin Mary, or that after the said consecration there remaineth any substance of bread

or wine, or any other substance, but the substance of Christ, God and man, or after the time abovesaid publish, preach, teach, say, affirm, declare, dispute, argue, or hold opinion that in the flesh, under form of bread, is not the very blood of Christ ; or that with the blood, under form of wine, is not the very flesh of Christ, as well apart as though they were both together ; or by any of the means abovesaid, or otherwise, preach, teach, declare, or affirm the said Sacrament to be of other substance than is abovesaid ; or by any means contemn, deprave, or despise the said blessed Sacrament : that then every such person and persons so offending, their aiders, comforters, counsellors, consenters, and abettors therein, being thereof convicted in form underwritten, by the authority abovesaid, shall be deemed and adjudged heretics. And that every such offence shall be adjudged manifest heresy, and that every such offender and offenders shall therefor have and suffer judgment, execution, pain, and pains of death by way of burning, without any abjuration, clergy, or sanctuary to be therefor permitted, had, allowed, admitted, or suffered ; and also shall therefor forfeit and lose to the king's highness, his heirs and successors, all his or their honours, manors, castles, lands, tenements, rents, reversions, services, possessions, and all other his or their hereditaments, goods and chattels, terms and freeholds, whatsoever they be, which any such offender or offenders shall have at the time of any such offence or offences committed or done, or at any time after, as in cases of high treason.

VI. And furthermore be it enacted, by the authority of this present Parliament, that if any person or persons, after the said twelfth day of July, preach in any sermon or collation openly made to the king's people, or teach in any common school or to other congregation of people, or being called before such judges and according to such form of the law as hereafter shall be declared, do obstinately affirm, uphold, maintain, or defend that the communion of the said blessed Sacrament in both kinds, that is to say, in form of bread and also of wine, is necessary for the health of man's soul, to be given or ministered, or ought or should be given or ministered to any person in both kinds, or that it is necessary so to be received or taken by any person other than by priests being at Mass and consecrating the same ; or that any man, after the order of priesthood received as aforesaid, may marry or may contract matrimony ; or that any man or woman which advisedly has vowed or professed, or shall vow or profess, chastity or widowhood, may marry or may contract matrimony ; or that private masses be not lawful or not laudable, or should not be celebrated, had, nor used

in this realm, nor be not agreeable to the laws of God ; or that auricular confession is not expedient and necessary to be retained and continued, used and frequented, in the Church of God ; or if any priest, after the said twelfth day of July, or any other man or woman which advisedly has vowed, or after the said day advisedly do vow chastity or widowhood, do actually marry or contract matrimony with any person : that then all and every person and persons so preaching, teaching, obstinately affirming, upholding, maintaining, or defending, or making marriage or contract of matrimony, as is above specified, be and shall be, by authority above written, deemed and adjudged a felon and felons ; and that every offender in the same, being therefor duly convicted or attainted by the laws underwritten, shall therefore suffer pains of death, as in cases of felony, without any benefit of clergy or privilege of church or sanctuary to him or her to be allowed in that behalf, and shall forfeit all his or her lands and goods, as in cases of felony, and that it shall be lawful to the patron or patrons of any manner of benefice which any such offender at the time of his said conviction or attainder had, to present one other incumbent thereunto, as if the same person so convicted or attainted had been bodily deceased.

VII. Also be it enacted by the authority aforesaid, that if any person or persons, after the said twelfth day of July, by word, writing, printing, ciphering, or otherwise than is above rehearsed, publish, declare, or hold opinion that the said communion of the blessed Sacrament in both kinds aforesaid is necessary for the health of man's soul to be given or ministered in both kinds, and so ought or should be given and ministered to any person, or ought or should be so in both kinds received or taken by any person other than by priests being at Mass and consecrating the same as is aforesaid, or that any man after the order of priesthood received as is aforesaid, may marry or may make contract of matrimony, or that any man or woman which advisedly has made or shall make a vow to God of chastity or widowhood, may marry or may make contract of matrimony, or that private masses be not lawful or not laudable, or should not be celebrated, had, nor used, nor be agreeable to the laws of God, or that auricular confession is not expedient and necessary to be retained and continued, used and frequented, in the Church of God ; every person, being for every such offence duly convicted or attainted by the laws underwritten, shall forfeit and lose to the king, our sovereign lord, all his goods and chattels for ever, and also the profits of all his lands, tenements, annuities, fees, and offices during his life, and all his



benefices and spiritual promotions shall be utterly void, and also shall suffer imprisonment of his body at the will and pleasure of our said sovereign lord the king; and if any such person or persons, being once convicted of any the offences mentioned in this article as is abovesaid, do afterwards eftsoons offend in any of the same, and be thereof accused, indicted, or presented and convicted again by the authority of the laws underwritten, that then every such person and persons so being twice convicted and attainted of the said offences, or of any of them, shall be adjudged a felon and felons, and shall suffer judgment, execution, and pains of death, loss and forfeiture of lands and goods, as in cases of felony, without any privilege of clergy or sanctuary to be in any wise permitted, admitted, or allowed in that behalf.

VIII. Be it further enacted by the authority abovesaid, that if any person, which is or has been a priest, before this present Parliament or during the time of session of the same has married and has made any contract of matrimony with any woman, or that any man or woman, which before the making of this Act advisedly has vowed chastity or widowhood, before this present Parliament or during the session of the same has married or contracted matrimony with any person; that then every such marriage and contract of matrimony shall be utterly void and of none effect, and that the ordinaries, within whose diocese or jurisdiction the person or persons so married or contracted is or be resident or abiding, shall from time to time make separation and divorces of the said marriages and contracts.

\* \* \* \* \*

X. And be it further enacted by authority abovesaid, that if any person or persons at any time hereafter contemn or contemptuously refuse, deny, or abstain to be confessed at the time commonly accustomed within this realm and Church of England, or contemn or contemptuously refuse, deny, or abstain to receive the holy and blessed Sacrament abovesaid at the time commonly used and accustomed for the same, that then every such offender, being thereof duly convicted or attainted by the laws underwritten, shall suffer such imprisonment and make such fine and ransom to the king our sovereign lord and his heirs, as by his highness or by his or their council, shall be ordered and adjudged in that behalf. And if any such offender or offenders, at any time or times after the said conviction or attainder so had, do eftsoons contemn or contemptuously refuse, deny, or abstain to be confessed or to be communicate in manner and form above written, and be

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ereof duly convicted or attainted by the laws underwritten, that  
en every such offence shall be deemed and adjudged felony, and  
e offender or offenders therein shall suffer pains of death, and  
se and forfeit all his and their goods, lands, and tenements as  
cases of felony.

\* \* \* \* \*

XXI. And it is also enacted by the authority abovesaid, that  
e said commissioners and every of them shall, from time to time,  
ve full power and authority, by virtue of this Act, to take into  
s or their keeping [or] possession all and all manner of books  
ich be and have been, or hereafter shall be, set forth, read, or  
clared within this realm, or other the king's dominions, wherein  
or be contained or comprised any clause, article, matter, or  
ntence repugnant or contrary to the tenor, form, or effect of this  
esent Act, or any of the articles contained in the same. And the  
id commissioners, or three of them at the least, to burn or other-  
se destroy the said books, or any part of them, as unto the said  
ommissioners, or unto three of them at the least, shall be thought  
pedient by their discretions.

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### 155. The Attainder of Queen Katherine Howard

(1542. 33 Henry VIII. c. 21. 3 S. R. 857.)

IN their most humble wise beseech your most royal Majesty the  
lords spiritual and temporal and all other your most loving  
and obedient subjects the commons of this your most high court  
of parliament assembled; that where, besides any man's expecta-  
on, such chance hath happened, by Mistress Katherine Howard  
which Your Highness took to your wife, both to Your Majesty  
chiefly and so consequently to us all that the like we think hath  
scarce been seen, the likelihoods and appearances being so far con-  
ary to that which by evident and due proof is now found true;

\* \* \* \* \*

and for which treasons being manifestly and plainly proved, as  
well by the confession of the said queen and other the said parties  
as by divers other witnesses and proofs, the said Francis Dereham

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pepper having been lawfully and truly and accord  
of the realm convicted and attainted, and the said  
lady Rochford, be lawfully indicted, insomuch  
pepper and Francis Dereham have justly suffered  
death according to their merits as by the records  
only at large may appear; it may therefore please  
of your most excellent and accustomed goodness  
re love, favour and hearty affection that Your Maj  
heretofore borne and yet beareth to the com  
your realm of England, and for the conservation  
cellent Highness and posterity, and of the good  
rest of us your most bounden and obedient sub  
and assent, at the most humble desire and petition  
and obedient subjects the lords spiritual and tem  
monies in this present parliament assembled, that  
indictment and attainders of such as have lately  
proved by the authority of this present parlia  
it may be enacted that the said queen Katherine  
Rochford, for their said abominable and detesta  
them and every of them most abominably and  
mitted and done against Your Majesty and this  
be by the authority of this present parliament  
attainted of high treason; and that the same queen  
Jane, lady Rochford, and either of them shall have  
of death, loss of goods, chattels, debts, farms and  
in cases of high treason by the laws of this your  
accustomed granted and given to the crown: and  
queen Katherine, Jane, lady Rochford, Thomas  
Francis Dereham, and every of them, shall lose  
Hulness and to your heirs all such right, title,

tion thereof hereafter to be taken or found according to the common laws of this your realm.

\* \* \* \* \*

## 156. Ferrers' Case

(1543. 3 Holinshed's Chronicle, 824-826.)

**I**N the Lent season, whilst the parliament yet continued, one George Ferrers, gentleman, servant to the king, being elected a burgess for the town of Plymouth in the county of Devonshire, in going to the parliament house, was arrested in London by a process out of the king's bench, at the suit of one White, for the sum of two hundred marks or thereabouts, wherein he was late afore condemned, as a surety for the debt of one Weldon of Salisbury: which arrest being signified to Sir Thomas Moyle, knight, then speaker of the parliament, and to the knights and burgesses there, order was taken, that the sergeant of the parliament, called St. John, should forthwith repair to the Compter in Bread Street (whither the said Ferrers was carried) and there demand delivery of the prisoner.

The sergeant (as he had in charge) went to the Compter, and declared to the clerks there what he had in commandment. But they and other officers of the city were so far from obeying the said commandment, as after many stout words they forcibly resisted the said sergeant.\* \* \* The sheriffs of London, called Rowland Hill and Henry Suckliffe, came thither, to whom the sergeant complained of this injury, and required of them the delivery of the said burgess, as afore. But they, bearing with their officers, made little account either of his complaint or of his message, rejecting the same contemptuously.\* \* \*

The sergeant thus hardly entreated, made return to the parliament house, and finding the speaker, and all the burgesses set in their places, declared unto them the whole case as it fell, who took the same in so ill part, that they altogether (of whom there were not a few, as well of the king's privy council, as also of his privy chamber) would sit no longer without their burgess, but rose up wholly, and repaired to the upper house, where the whole case was declared by the mouth of the speaker, before Sir Thomas Audley, knight, then lord chancellor of England, and all the lords and judges there assembled, who, judging the contempt to be very great, referred the punishment thereof to the order of the com-

mons house. They returning to their places again, upon new debate of the case, took order, that their sergeant should eftsoons repair to the sheriff of London, and require delivery of the said burgess, without any writ or warrant had for the same, but only as afore.

And yet the lord chancellor offered there to grant a writ, which they of the commons house refused, being in a clear opinion, that all commandments and other acts [of] proceeding from the nether house, were to be done and executed by their sergeant without writ, only by show of his mace, which was his warrant. But before the sergeant's return into London, the sheriffs having intelligence how heinously the matter was taken, became somewhat more mild, so as upon the said second demand, they delivered the prisoner without any denial. But the sergeant having then further in commandment from those of the nether house, charged the said sheriffs to appear personally on the morrow, by eight of the clock before the speaker in the nether house, and to bring thither the clerks of the Compter, and such officers as were parties to the said affray, and in like manner to take into his custody the said White, which wittingly procured the said arrest, in contempt of the privilege of the parliament.

Which commandment being done by the said sergeant accordingly, on the morrow the two sheriffs, with one of the clerks of the Compter (which was the chief occasion of the said affray) together with the said White, appeared in the commons house, where the speaker charging them with their contempt and misdemeanour aforesaid, they were compelled to make immediate answer, without being admitted to any counsel. Albeit, Sir Roger Cholmeley, then recorder of London, and other of the counsel of the city there present, offered to speak in the cause, which were all put to silence, and none suffered to speak, but the parties themselves: whereupon, in conclusion, the said sheriffs and the same White were committed to the Tower of London, and the said clerk (which was the occasion of the affray) to a place there called Little Ease, and the officer of London which did the arrest, called Taylor, with four other officers, to Newgate, where they remained from the eighth and twentieth until the thirtieth of March, and then they were delivered, not without humble suit made by the mayor of London and other their friends.

And for so much as the said Ferrers being in execution upon a condemnation of debt, and set at large by privilege of parliament, was not by law to be brought again into execution, and so the party without remedy for his debt, as well against him as his

principal debtor ; after long debate of the same by the space of one or ten days together, at last they resolved upon an act of parliament to be made, and to revive the execution of the said debt against the said Weldon which was principal debtor, and to discharge the said Ferrers. But before this came to pass, the commons house was divided upon the question : howbeit in conclusion, the act passed for the said Ferrers, won by fourteen voices.

The king then being advertised of all this proceeding, called immediately before him the lord chancellor of England and his judges, with the speaker of the parliament, and other of the chiefest persons of the nether house, to whom he declared his opinion to this effect. First commending their wisdoms in maintaining the privileges of their house (which he would not have to be infringed in any point) he alleged that he being head of the parliament, and attending in his own person upon the business thereof, ought in reason to have privilege for him and all his servants attending there upon him. So that if the said Ferrers had been no burgess, but only his servant, yet in respect thereof he was to have the privilege as well as any other.

For I understand (quoth he) that you not only for your own persons, but also for your necessary servants, even to your cooks and housekeepers, enjoy the said privilege ; insomuch as my lord chancellor here present hath informed us, that he being speaker of the parliament, the cook of the Temple was arrested in London, and in execution upon a statute of the staple. And forso much as the said cook, during all the parliament, served the speaker in that office, he was taken out of execution, by the privilege of the parliament. And further we be informed by our judges, that we at no time stand so highly in our estate royal, as at the time of parliament, wherein we as head, and you as members, are conjoined and knit together into one body politic, so as whatsoever offense or injury (during that time) is offered to the meanest member of the house, is to be judged as done against our person, and the whole court of parliament. Which prerogative the court is so great (as our learned counsel informeth us) as all acts and processes coming out of any other inferior courts must for the time cease and give place to the highest.

\* \* \* \* \*

Whereupon Sir Edward Montacute, lord chief justice, very gravely told his opinion, confirming by divers reasons all that the king had said, which was assented unto by all the residue, none

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to the contrary. The act indeed passed not the higher  
or the lords had not time to consider of it, by reason  
dissolution of the parliament, the feast of Easter then  
ing. Because this case hath been diversely reported,  
commonly alleged as a precedent for the privilege of the  
nt, I have endeavoured myself to learn the truth thereof,  
et it forth with the whole circumstance at large accord-  
their instructions, who ought best both to know and  
er it.

• • • • •

### 157. Act Fixing the Succession

(1544. 35 Henry VIII. c. 1. 3 S. R. 955.)

ERE in the parliament held at Westminster the eighth  
y of June in the twenty eighth year of the reign of our most  
vereign lord King Henry the Eighth an act was had and  
or the establishment of the succession of the imperial  
this realm of England, by which act among divers other  
was enacted, that the imperial crown of this realm with

since the making of which act, the king's majesty hath one only issue of his body lawfully begotten betwixt His Highness and his said late wife Queen Jane, the noble and excellent prince, Prince Edward, whom Almighty God long preserve ; and also His Majesty hath now of late, since the death of the said Queen Jane, taken to his wife the most virtuous and gracious Lady Katherine, now queen of England, late wife of John Neville, knight, Lord Latimer deceased, by whom as yet His Majesty hath none issue, but may have full well when it shall please God ; and forasmuch as our said most dread sovereign lord the king, upon good and just grounds and causes, intendeth by God's grace to make a voyage royal in His Majesty's most royal person into the realm of France, against his ancient enemy the French king ; His Highness most prudently and wisely considering and calling to his remembrance how this realm standeth at this present time in the case of succession, and poising and weighing further with himself the great trust and confidence that his loving subjects have had and have in him, putting in his hands wholly the order and declaration of the succession of this realm ; recognizing and acknowledging also that it is in the only pleasure and will of Almighty God how long His Highness or his said entirely beloved son, Prince Edward, shall live, and whether the said prince shall have heirs of his body lawfully begotten or not, or whether His Highness shall have heirs begotten and procreated between His Majesty and his said most dear and entirely beloved wife Queen Katherine that now is, or any lawful heirs and issues hereafter of his own body begotten by any other his lawful wife ; and albeit that the king's most excellent majesty, for default of such heirs as be inheritable by the said act, might by the authority of the said act, give and dispose the said imperial crown and other the premises by his letters patents under his great seal, or by his last will in writing signed with his most gracious hand, to any person or persons of such estate therein as should please His Highness to limit and appoint ; yet to the intent that His Majesty's disposition and mind therein should be openly declared and manifestly known and notified, as well to the lords spiritual and temporal as to all other his loving and obedient subjects of this his realm, to the intent that their assent and consent might appear to concur with thus far as followeth of His Majesty's declaration in this behalf ; His Majesty therefore thinketh convenient afore his departure beyond the seas, that it be enacted by His Highness with the assent of the lords spiritual and temporal and the commons in this present parliament assembled and by authority of the same, and therefore be it



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authority aforesaid, that in case it shall happen  
esty and the said excellent prince his yet only son  
and heir apparent, to decease without heir of  
bodies lawfully begotten (as God defend) so that  
h heir male or female of any of their two bodies,  
erit the said imperial crown and other his domin-  
and in such manner and form as in the aforesaid  
this is declared, that then the said imperial crown  
e premises shall be to the Lady Mary, the king's  
ter, and to the heirs of the body of the same Lady  
egotten, with such conditions as by His Highness  
l by his letters patents under his great seal, or  
y's last will in writing signed with his gracious  
default of such issue the said imperial crown  
remises shall be to the Lady Elizabeth, the king's  
er, and to the heirs of the body of the said  
lawfully begotten, with such conditions as by His  
be limited by his letters patents under his great  
Majesty's last will in writing signed with his gra-  
thing in the said act made in the said twenty-eighth  
sovereign lord to the contrary of this act not-

he king's majesty in form aforesaid, shall have and enjoy such interest, estate and remainder in the said imperial crown and other the premises as is before limited by this act, without any manner of condition ; anything in this present act to the contrary thereof notwithstanding.

VI. And forasmuch as it standeth in the only pleasure and will of Almighty God, whether the king's majesty shall have any heirs begotten and procreated between His Highness and his said most entirely beloved wife Queen Katherine, or by any other his lawful wife, or whether the said Prince Edward shall have issue of his body lawfully begotten, or whether the Lady Mary and Lady Elizabeth or any of them shall have any issue of any of their several bodies lawfully begotten, and if such heirs should fail (which God defend) and no provision made in the king's life who should rule and govern this realm for lack of such heirs as in this present act is afore mentioned, that then this realm after the king's transitory life and for lack of such heirs, should be destitute of a lawful governor to order, rule and govern the same ; be it therefore enacted by the authority of this present parliament, that the king's Highness shall have full power and authority to give, dispose, appoint, assign, declare and limit, by his gracious letters patents under his great seal, or else by His Highness' last will made in writing and signed with his most gracious hand, at his only pleasure from time to time hereafter, the imperial crown of his realm and all other the premises, to be, remain, succeed and come, after his decease and for lack of lawful heirs of either of the bodies of the king's Highness and Prince Edward begotten, and also for lack of lawful heirs of the bodies of the said Lady Mary and Lady Elizabeth to be procreated and begotten as is afore limited in this act, to such person or persons in remainder or reversion as shall please His Highness, and according to such state and after such manner and form, fashion, order or condition as shall be expressed, declared, named and limited in His Highness' letters patents, or by his last will in writing signed with his most gracious hand as is afore said ; anything contained in this present act or in the said former act to the contrary thereof in any wise notwithstanding.

• • • • •

concerning Treasons committed out  
of the Realm

1544. 35 Henry VIII. c. 2. 3 S. R. 958.)

WH as some doubts and questions have been moved ~~in~~,  
in kinds of treasons, misprisions and concealments ~~is~~  
done, perpetrated or committed out of the king's ~~is~~ <sup>'s</sup>  
of England and other His Grace's dominions, ~~is~~  
by the common laws of this realm be inquired of, ~~is~~ <sup>if</sup>  
committed within this his said realm of England; for ~~or~~  
order and declaration therein to be had and made, ~~is~~  
by authority of this present parliament, that all man- ~~is~~  
being already made or declared, or hereafter to be ~~is~~  
by any the laws and statutes of this realm, to ~~is~~  
provisions of treasons or concealments of treasons, ~~is~~  
perpetrated or committed or hereafter to be done, per- ~~is~~  
mitted by any person or persons out of this realm ~~is~~  
be from henceforth inquired of, heard and deter- ~~is~~  
the king's justices of his bench for pleas to be held ~~is~~  
by good and lawful men of the same shire where ~~is~~  
shall sit and be kept, or else before such commis- ~~is~~  
such shire of the realm as shall be assigned by the ~~is~~  
commission, and by good and lawful men of the ~~is~~  
like manner and form to all intents and purposes ~~is~~  
sons, misprisions of treasons or concealments of ~~is~~  
done perpetrated and committed within the ~~is~~  
and hereafter to be inquired of, heard and deter-

## 159. Act for the Dissolution of Chantries

(1547. 1 Edward VI. c. 14. 4 S. R. 24. The whole act reprinted in G. and H. 328–357.)

THE king's most loving subjects, the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, considering that a great part of superstition and errors in Christian religion has been brought into the minds and estimations of men, by reason of the ignorance of their very true and perfect salvation through the death of Jesus Christ, and by devising and phantasying vain opinions of purgatory and masses satisfactory to be done for them which be departed, the which doctrine and vain opinion by nothing more is maintained and upholden, than by the abuse of trentals, chantries, and other provisions made for the continuance of the said blindness and ignorance ; and further considering and understanding, that the alteration, change, and amendment of the same, and converting to good and godly uses, as in erecting of grammar schools to the education of youth in virtue and godliness, the further augmenting of the universities, and better provision for the poor and needy, cannot, in this present Parliament, be provided and conveniently done, nor cannot nor ought to have any other manner person to be committed, than to the king's highness, whose majesty, with and by the advice of his highness's most prudent council, can and will most wisely and beneficially, both for the honour of God and the weal of this his majesty's realm, order, alter, convert, and dispose the same ;

\* \* \* \* \*

IX. And furthermore be it ordained and enacted by the authority aforesaid, that the king our sovereign lord shall, from the said feast of Easter next coming, have and enjoy to him, his heirs and successors for ever, all fraternities, brotherhoods, and guilds, being within the realm of England and Wales, and other the king's dominions ; and all manors, lands, tenements, and other hereditaments belonging to them or any of them — other than such corporations, guilds, fraternities, companies, and fellowships of mysteries or crafts, and the manors, lands, tenements, and other hereditaments pertaining to the said corporations, guilds, fraternities, companies, and fellowships of mysteries or crafts above mentioned — and shall by virtue of this Act be judged and deemed in the actual and real possession of our said sovereign lord the

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heirs and successors, from the said feast of Easter next  
or ever, without any inquisition or office thereof to be  
und.

• • • • •

and also that the same commissioners, or two of them  
st, by virtue of this Act and of the commission to them  
shall have full power and authority to assign, and shall  
in every such place where guild, fraternity, [or] the  
incumbent of any chantry *in esse*, the first day of this  
parliament, by the foundation ordinance or the first insti-  
tution thereof, should or ought to have kept a grammar school  
master, and so has done since the feast of St. Michael the  
(last past) lands, tenements, and other hereditaments  
such chantry, guild, and fraternity to remain and con-  
succession to a schoolmaster or preacher for ever, for  
the keeping of a grammar school or preaching, and  
godly intents and purposes, and in such manner and  
the same commissioners, or two of them at the least,  
make or appoint.

so to make and ordain a vicar to have perpetuity for  
every parish church, the first day of this present Par-

master, as is aforesaid, to be appointed, as also by what name or names he and they shall from henceforth be named and called.

\* \* \* \* \*

**XIX.** Provided always, and be it ordained and enacted by the authority aforesaid, that this Act, or any article, clause, or matter contained in the same, shall not in any wise extend to any college, hostel, or hall being within either of the Universities of Cambridge and Oxford; nor to any chantry founded in any of the colleges, hostels, or halls being in the same Universities; nor to the free chapel of St. George the Martyr, situate in the castle of Windsor; nor to the college called St. Mary's College of Winchester beside Winchester, of the foundation of Bishop Wykeham; nor to the college of Eton; nor to the parish church commonly called the Chapel in the Sea in Newton, within the isle of Ely, in the county of Cambridge; nor to any manors, lands, tenements, or hereditaments to them or any of them pertaining or belonging; nor to any chapel made or ordained for the ease of the people dwelling distant from the parish church, or such like chapel whereunto no more lands or tenements than the churchyard or a little house or close does belong or pertain; nor to any cathedral church or college where a bishop's see is, within this realm of England or in Wales, nor to the manors, lands, tenements, or other hereditaments of any of them, other than to such chantries, obits, lights, and lamps, or any of them, as at any time within five years next before the beginning of this present Parliament have been had, used, or maintained within the said cathedral churches, or within any of them, or of the issues, revenues, or profits of any of the said cathedral churches, to which chantries, obits, lights, and lamps it is enacted by the authority aforesaid that this Act shall extend.

\* \* \* \* \*

**XXXIV.** Provided also, and be it enacted by the authority aforesaid, that this present Act, nor anything therein contained, shall in any wise extend or be prejudicial or hurtful to the general corporation of any city, borough, or town within this realm, or any other the king's dominions, nor shall extend to any the lands or hereditaments of them or any of them; anything herein contained to the contrary in any wise notwithstanding.

\* \* \* \* \*

## 160. First Act of Uniformity of Edward VI

(1549. 2 & 3 Edward VI. c. 1. 4 S. R. 37. G. and H. 358-366.)

**W**HERE of long time there has been had in this realm of England and in Wales divers forms of common prayer, commonly called the service of the Church ; that is to say, the Use of Sarum, of York, of Bangor, and of Lincoln ; and besides the same now of late much more divers and sundry forms and fashions have been used in the cathedral and parish churches of England and Wales, as well concerning the Matins or Morning Prayer and the Evensong, as also concerning the Holy Communion, commonly called the Mass, with divers and sundry rites and ceremonies concerning the same, and in the administration of other sacraments of the Church : and as the doers and executors of the said rites and ceremonies, in other form than of late years they have been used, were pleased therewith, so others, not using the same rites and ceremonies, were thereby greatly offended ;

And albeit the king's majesty, with the advice of his most entirely beloved uncle, the lord protector, and other of his highness's council, has heretofore divers times essayed to stay innovations or new rites concerning the premises ; yet the same has not had such good success as his highness required in that behalf :

Whereupon his highness by the most prudent advice aforesaid, being pleased to bear with the frailty and weakness of his subjects in that behalf, of his great clemency has not been only content to abstain from punishment of those that have offended in that behalf, for that his highness taketh that they did it of a good zeal ; but also to the intent a uniform quiet and godly order should be had concerning the premises, has appointed the Archbishop of Canterbury, and certain of the most learned and discreet bishops, and other learned men of this realm, to consider and ponder the premises ; and thereupon having as well eye and respect to the most sincere and pure Christian religion taught by the Scripture, as to the usages in the primitive Church, should draw and make one convenient and meet order, rite, and fashion of common and open prayer and administration of the sacraments, to be had and used in his majesty's realm of England and in Wales ; the which at this time, by the aid of the Holy Ghost, with one uniform agreement is of them concluded, set forth, and delivered to his highness, to his great comfort and quietness of mind, in a book

entitled, 'The Book of the Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, after the Use of the Church of England':

Wherefore the lords spiritual and temporal, and the commons, in this present parliament assembled, considering as well the most godly travail of the king's highness, of the lord protector, and of other his highness's council, in gathering and collecting the said archbishop, bishops, and learned men together, as the godly prayers, orders, rites, and ceremonies in the said book mentioned, and the considerations of altering those things which be altered and retaining those things which be retained in the said book, but also the honour of God and great quietness, which by the grace of God shall ensue upon the one and uniform rite and order in such common prayer and rites and external ceremonies to be used throughout England and in Wales, at Calais and the marches of the same, do give to his highness most hearty and lowly thanks for the same; and humbly pray, that it may be ordained and enacted by his majesty, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, that all and singular person and persons that have offended concerning the premises, other than such person and persons as now be and remain in ward in the Tower of London, or in the Fleet, may be pardoned thereof; and that all and singular ministers in any cathedral or parish church or other place within this realm of England, Wales, Calais, and the marches of the same, or other the king's dominions, shall, from and after the feast of Pentecost next coming, be bound to say and use the Matins, Evensong, celebration of the Lord's Supper, commonly called the Mass, and administration of each of the sacraments, and all their common and open Prayer, in such order and form as is mentioned in the same book, and none other or otherwise.

And albeit that the same be so godly and good, that they give occasion to every honest and conformable man most willingly to embrace them, yet lest any obstinate person who willingly would disturb so godly order and quiet in this realm should not go unpunished, that it may also be ordained and enacted by the authority aforesaid, that if any manner of parson, vicar, or other whatsoever minister, that ought or should sing or say common prayer mentioned in the said book, or minister the sacraments, shall after the said feast of Pentecost next coming refuse to use the said common prayers, or to minister the sacraments in such cathedral or parish church or other places as he should use or minister the same, in such order and form as they be mentioned and set forth in the



said book ; or shall use, wilfully and obstinately standing in the same, any other rite, ceremony, order, form, or manner of Mass openly or privily, or Matins, Evensong, administration of the sacraments, or other open prayer than is mentioned and set forth in the said book (open prayer in and throughout this Act, is meant that prayer which is for other to come unto or hear either in common churches or private chapels or oratories, commonly called the service of the Church) ; or shall preach, declare, or speak anything in the derogation or depraving of the said book, or anything therein contained, or of any part thereof ; and shall be thereof lawfully convicted according to the laws of this realm, by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact : — shall lose and forfeit to the king's highness, his heirs and successors, for his first offence, the profit of such one of his spiritual benefices or promotions as it shall please the king's highness to assign or appoint, coming and arising in one whole year next after his conviction : and also that the same person so convicted shall for the same offence suffer imprisonment by the space of six months, without bail or mainprize : and if any such person once convicted of any offence concerning the premises, shall after his first conviction again offend and be thereof in form aforesaid lawfully convicted, that then the same person shall for his second offence suffer imprisonment by the space of one whole year, and also shall therefore be deprived *ipso facto* of all his spiritual promotions ; and that it shall be lawful to all patrons, donors, and grantees of all and singular the same spiritual promotions, to present to the same any other able clerk, in like manner and form as though the party so offending were dead : and that if any such person or persons, after he shall be twice convicted in form aforesaid, shall offend against any of the premises the third time, and shall be thereof in form aforesaid lawfully convicted, that then the person so offending and convicted the third time shall suffer imprisonment during his life.

And if the person that shall offend and be convicted in form aforesaid concerning any of the premises, shall not be beneficed nor have any spiritual promotion, that then the same person so offending and convicted shall for the first offence suffer imprisonment during six months, without bail or mainprize : and if any such person not having any spiritual promotion, after his first conviction shall again offend in anything concerning the premises, and shall in form aforesaid be thereof lawfully convicted, that then the same person shall for his second offence suffer imprisonment during his life.

II. And it is ordained and enacted by the authority abovesaid, that if any person or persons whatsoever, after the said feast of Pentecost next coming, shall in any interludes, plays, songs, rhymes, or by other open words declare or speak anything in the derogation, depraving, or despising of the same book or of anything therein contained, or any part thereof; or shall by open fact, deed, or by open threatenings, compel or cause, or otherwise procure or maintain any parson, vicar, or other minister in any cathedral or parish church, or in any chapel or other place, to sing or say any common and open prayer, or to minister any sacrament otherwise or in any other manner or form than is mentioned in the said book; or that by any of the said means shall unlawfully interrupt or let any parson, vicar, or other ministers in any cathedral or parish church, chapel, or any other place, to sing or say common and open prayer, or to minister the sacraments, or any of them, in any such manner and form as is mentioned in the said book; that then every person being thereof lawfully convicted in form abovesaid, shall forfeit to the king our sovereign lord, his heirs and successors, for the first offence ten pounds. And if any person or persons, being once convicted of any such offence, again offend against any of the premises, and shall in form aforesaid be thereof lawfully convicted, that then the same persons so offending and convicted shall for the second offence forfeit to the king our sovereign lord, his heirs and successors, twenty pounds; and if any person after he, in form aforesaid, shall have been twice convicted of any offence concerning any of the premises, shall offend the third time, and be thereof in form abovesaid lawfully convicted, that then every person so offending and convicted shall for his third offence forfeit to our sovereign lord the king all his goods and chattels, and shall suffer imprisonment during his life: and if any person or persons, that for his first offence concerning the premises shall be convicted in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his conviction, that then every person so convicted, and so not paying the same, shall for the same first offence, instead of the said ten pounds, suffer imprisonment by the space of three months without bail or mainprize. And if any person or persons, that for his second offence concerning the premises shall be convicted in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his said second conviction, that then every person so convicted, and not so paying the same, shall for the

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offence, instead of the said twenty pounds, suffer during six months without bail or mainprize.

It is ordained and enacted by the authority afore- and every justices of *oyer and terminer*, or justices of the peace, have full power and authority in every of their open sessions to inquire, hear, and determine all and all offences that shall be committed or done contrary to the provisions contained in this present Act, within the limits of the same, to them directed, and to make process for the execution thereof, as they may do against any person being indicted of trespass, or lawfully convicted thereof.

It shall be always, and be it enacted by the authority afore- and every archbishop and bishop shall or may at all times be at his liberty and pleasure join and associate himself with the justices of this Act, to the said justices of *oyer and terminer*, or justices of assize, at every of the said open and general sessions to be holden in any place within his diocese, for and to the hearing, and determining of the offences aforesaid.

It shall be always, that it shall be lawful to any man that is able to say the Greek, Latin, and Hebrew tongue, or other tongue, to say and have the said prayers, heretofore specified, and Evensong in Latin, or any such other tongue,

after the said books so attained and gotten use the said service, and put the same in use according to this Act.

IX. And be it further enacted by the authority aforesaid, that no person or persons shall be at any time hereafter impeached or otherwise molested of or for any of the offences above mentioned, hereafter to be committed or done contrary to this Act, unless he or they so offending be thereof indicted at the next general sessions to be holden before any such of the justices of *oyer* and *terminer* or justices of assize, next after any offence committed or done contrary to the tenor of this Act.

X. Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular lords in the Parliament, for the third offence above mentioned, shall be tried by their peers.

XI. Provided also, and be it ordained and enacted by the authority aforesaid, that the Mayor of London, and all other mayors, bailiffs, and other head officers of all and singular cities, boroughs, and towns corporate within this realm, Wales, Calais, and the marches of the same, to the which justices of assize do not commonly repair, shall have full power and authority by virtue of this Act to inquire, hear, and determine the offences abovesaid, and every of them yearly, within fifteen days after the feasts of Easter and St. Michael the Archangel, in like manner and form as justices of assize and *oyer* and *terminer* may do.

XII. Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular archbishops and bishops, and every of their chancellors, commissaries, archdeacons, and other ordinaries, having any peculiar ecclesiastical jurisdiction, shall have full power and authority by virtue of this Act, as well to inquire in their visitations, synods, and elsewhere within their jurisdiction, [or] at any other time or place, to take accusations and informations of all and every the things above mentioned, done, committed, or perpetrated, within the limits of their jurisdiction and authority, and to punish the same by admonition, excommunication, sequestration, or deprivation, and other censures and process, in like form as heretofore has been used in like cases by the king's ecclesiastical laws.

XIII. Provided always, and be it enacted, that whatsoever person offending in the premises shall for the first offence receive punishment of the ordinary, having a testimonial thereof under the said ordinary's seal, shall not for the same offence again be summoned before the justices; and likewise receiving for the said first offence punishment by the justices, he shall not for the same

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gain receive punishment of the ordinary; anything con-  
this Act to the contrary notwithstanding.

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### x. First Mention of Lords Lieutenant

(1550. 3 & 4 Edward VI. c. 5. 4 S. R. 107.)

• • • • •  
PROVIDED always and it is enacted by the authority above-  
if the king shall by his letters patents make any lieu-  
any county or counties of this realm, for the suppressing  
commotion, rebellion or unlawful assembly, that then a-  
justices of peace of every such county and the sheriffs an-  
the same, as all mayors, bailiffs and other head officer-  
inhabitants and subjects of any county, city, borough or  
incorporate within every such county, shall upon the declara-  
the said letters patents and request made be bound to  
attendance upon the same lieutenant to suppress any commo-  
rebellion or unlawful assembly, unless he or they being s-  
have any reasonable excuse for his not attendance, upon

living either without knowledge or due fear of God, do wilfully and damnably before Almighty God abstain and refuse to come to their parish churches and other places where common prayer, administration of the sacraments, and preaching of the word of God, is used upon the Sundays, and other days ordained to be holy days.

II. For reformation hereof, be it enacted by the king our sovereign lord, with the assent of the Lords and Commons in this present Parliament assembled, and by the authority of the same, that from and after the feast of All Saints next coming, all and every person and persons inhabiting within this realm, or any other the king's majesty's dominions, shall diligently and faithfully (having no lawful or reasonable excuse to be absent) endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every Sunday, and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of the common prayer, preachings, or other service of God there to be used and ministered, upon pain of punishment by the censures of the Church.

III. And for the due execution hereof, the king's most excellent majesty, the Lords temporal, and all the Commons in this present [Parliament] assembled, do in God's name earnestly require and charge all the archbishops, bishops, and other ordinaries, that they shall endeavour themselves to the uttermost of their knowledge, that the due and true execution thereof may be had throughout their dioceses and charges, as they will answer before God for such evils and plagues wherewith Almighty God may justly punish His people for neglecting this good and wholesome law.

IV. And for their authority in this behalf, be it further likewise enacted by the authority aforesaid, that all and singular the same archbishops, bishops, and all other their officers exercising ecclesiastical jurisdiction, as well in place exempt as not exempt, within their dioceses, shall have full power and authority by this Act to reform, correct, and punish by censures of the Church, all and singular persons which shall offend, within any their jurisdictions or dioceses, after the said feast of All Saints next coming, against this Act and statute; any other law, statute, privilege, liberty, or provision heretofore made, had, or suffered to the contrary notwithstanding.

V. And because there has arisen in the use and exercise of

the aforesaid common service in the church, heretofore set forth, divers doubts for the fashion and manner of the ministration of same, rather by the curiosity of the minister, and mistakers, than of any other worthy cause :

Therefore, as well for the more plain and manifest explanation hereof, as for the more perfection of the said order of common service, in some places where it is necessary to make the same prayers and fashion of service more earnest and fit to stir Christian people to the true honouring of Almighty God, the king's most excellent majesty, with the assent of the Lords and Commons in this present Parliament assembled, and by the authority of the same, has caused the aforesaid order of common service, entitled, The Book of Common Prayer, to be faithfully and godly perused, explained, and made fully perfect, and by the aforesaid authority has annexed and joined it, so explained and perfected, to this present statute : adding also a form and manner of making and consecrating archbishops, bishops, priests, and deacons, to be of like force, authority, and value as the same like aforesaid book, entitled, The Book of Common Prayer, was before, and to be accepted, received, used, and esteemed in like sort and manner, and with the same clauses of provisions and exceptions, to all intents, constructions, and purposes, as by the Act of Parliament made in the second year of the king's majesty's reign was ordained and limited, expressed and appointed for the uniformity of service and administration of the sacraments throughout the realm, upon such several pains as in the said Act of Parliament is expressed.

And the said former Act to stand in full force and strength, to all intents and constructions, and to be applied, practised, and put in use, to and for the establishing of the Book of Common Prayer, now explained and hereunto annexed, and also the said form of making of archbishops, bishops, priests, and deacons hereunto annexed, as it was for the former book.

VI. And by the authority aforesaid it is now further enacted, that if any manner of person or persons inhabiting and being within this realm, or any other the king's majesty's dominions, shall after the said feast of All Saints willingly and wittingly hear and be present at any other manner or form of common prayer, of administration of the sacraments, of making of ministers in the churches, or of any other rites contained in the book annexed to this Act, than is mentioned and set forth in the said book, or that is contrary to the form of sundry provisions and exceptions contained in the aforesaid former statute, and shall be thereof convicted according to the laws of this realm, before the justices of assize,

justices of *oyer* and *terminer*, justices of peace in their sessions, or any of them, by the verdict of twelve men, or by his or their own confession or otherwise, shall for the first offence suffer imprisonment for six months, without bail or mainprize; and for the second offence, being likewise convicted as is abovesaid, imprisonment for one whole year; and for the third offence in like manner, imprisonment during his or their lives.

And for the more knowledge to be given hereof, and better observation of this law, be it enacted by the authority aforesaid, that all and singular curates shall, upon one Sunday every quarter of the year during one whole year next following the aforesaid feast of All Saints next coming, read this present Act in the church at the time of the most assembly, and likewise once in every year following; at the same time declaring unto the people, by the authority of the Scripture, how the mercy and goodness of God has in all ages been showed to His people in their necessities and extremities, by means of hearty and faithful prayers made to Almighty God, especially where people be gathered together with one faith and mind, to offer up their hearts by prayer, as the best sacrifices that Christian men can yield.

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### 163. First Act of Repeal of Mary

(1553. 1 Mary, sess. 2, c. 2. 4 S. R. 202. G. and H. 377-379.)

FORASMUCH as by divers and several Acts hereafter mentioned, as well the divine service and good administration of the sacraments, as divers other matters of religion, which we and our forefathers found in this Church of England, to us left by the authority of the Catholic Church, be partly altered and in some part taken from us, and in place thereof new things imagined and set forth by the said Acts, such as a few of singularity have of themselves devised, whereof has ensued amongst us, in very short time, numbers of diverse and strange opinions and diversities of sects, and thereby grown great unquietness and much discord, to the great disturbance of the commonwealth of this realm, and in very short time like to grow to extreme peril and utter confusion of the same, unless some remedy be in that behalf provided, which thing all true, loving, and obedient subjects ought and are bound to foresee and provide, to the uttermost of their power. In consideration whereof, be it enacted and established by the queen's high-



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the Lords spiritual and temporal, and the Commons in this present Parliament assembled, and by the authority of the same, that an Act made in the Parliament begun at Westminster the first day of November in the first year of the reign of the said late King Edward VI, and from thence continued to the twenty-first day of December then next ensuing, that is to say, in the session of the same Parliament, entitled, An Act against such Persons should irreverently speak against the Sacrament of the Body and Blood of Christ, commonly called the Sacrament of the Altar, and for the receiving thereof in both kinds; and also one other Act in the same session, which is entitled, An Act for the better Regulation of Bishops, and what Seals and Styles they and other Persons exercising Jurisdiction ecclesiastical should use; and one other Act made in one other session of the said Parliament holden upon prorogation at Westminster the fourth day of November in the second year of the reign of the said late King Edward VI, and there continued and kept to the fourteenth day of November in the third year of the said late king's reign, entitled, An Act for the Uniformity of Service and Administration of the Sacraments throughout the Realm; and also one other Act made in the session last before [named], which is entitled, An Act to repeal all positive Laws made against the Marriage of Priests, and one other Act made in one other session of the said Par-

## Act for the Marriage of Queen Mary 283

of them shall be from henceforth utterly repealed, void, annihilated, and of none effect, to all purposes, constructions, and intents; any thing or things contained or specified in the said statutes or any of them to the contrary in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, that all such divine service and administration of sacraments as were most commonly used in the realm of England in the last year of the reign of our late sovereign lord King Henry VIII shall be, from and after the twentieth day of December in this present year of our Lord God 1553, used and frequented throughout the whole realm of England and all other the queen's majesty's dominions; and that no other kind nor order of divine service nor administration of sacraments be, after the said twentieth day of December, used or ministered in any other manner, form, or degree within the said realm of England, or other the queen's dominions, than was most commonly used, ministered, and frequented in the said last year of the reign of the said late King Henry VIII.

III. And be it further enacted by the authority aforesaid, that no person shall be impeached or molested in body or goods for using heretofore, or until the said twentieth day of December, the divine service mentioned in the said Acts or any of them, nor for the using of the old divine service and administration of sacraments, in such manner and form as was used in the Church of England before the making of any of the said Acts.

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## I 64. Act for the Marriage of Queen Mary to Philip of Spain

(1554. 1 Mary, sess. 3., c. 2. 4 S. R. 222.)

WHEREAS most instant suit hath been made to your most excellent Majesty, on the behalf of the most noble and most victorious prince Charles, emperor of Rome, &c., for marriage to be had between your Highness, and his only son and heir the noble prince Philip of Spain, &c.: whereupon to the pleasure of Almighty God, to the comfort of your most noble person, and to the great and singular honour, wealth, benefit and commodity of this your realm of England, and of all us your most humble and obedient subjects of the same, there hath passed and been concluded in two sundry treaties, certain pacts and cove-

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touching the said marriage, with dependances and circumstances of the same ; and in the one treaty these articles : first, it was entered and agreed that as soon as conveniently may be, a perfect marriage, by words of the time present, shall be contracted, solemnized and consummated in England, between the said most noble prince, and the said most virtuous queen ; by force of which marriage so celebrated and contracted, the said most noble prince Philip shall during the said marriage have and enjoy jointly together with the said most gracious queen his wife, the style, honour and kingly name of the said realms and dominions unto the said most noble queen applying, and shall aid her Highness, being his wife, in the administration of her Grace's realms and dominions ; the laws, privileges and customs of the same realms and dominions being nevertheless preserved and maintained : and specially provided and covenanted, that the said most noble prince shall permit and suffer the said most gracious queen his wife, to have the whole disposition of all the benefices and offices, lands, revenues and fruits of the said realms and dominions, and that the said prince shall be bestowed upon such as shall be naturally born in the said realms and dominions, and that all the matters of the said realms and dominions shall be handled and maintained in the same tongues wherein of

the same : and as touching the lands that the said most noble prince shall leave behind him ; first, there shall be reserved unto his eldest son the lord Charles of Austria, Infante of Spain, and to the children and heirs of him descending, as well females as males, all and singular their rights which to the said prince do either now or hereafter shall belong, and shall at any time by the death either of the noble queen his grandame, or the most victorious emperor Charles the Fifth his father, (which God long defer), be devolved unto him in the realms of Spain, of both the Sicilies, with all their appurtenances, in the dukedom of Milan, and other lands and dominions in Lombardy and Italy, whatsoever name and title they have, which nevertheless shall be burdened and charged with the aforesaid dower of sixty thousand pounds ; in which realms, lands and dominions the children of this present matrimony shall pretend nothing so long as the said lord Charles the Infante, or any issue of his body lawfully begotten, do live : but if it fortune the same lord Charles to die, and the issue of his body to fail, then and in that case the eldest son of this matrimony shall be admitted into the said right, and according to the nature, laws, and customs of the said realms and dominions shall succeed : the same eldest son shall also succeed in all the dukedoms, earldoms, dominions and patrimonial lands belonging unto the said lord the emperor, as well in Burgundy as in the lower Germany \* \* \* Provided nevertheless and expressly reserved in all and singular the above declared cases of Succession, that whatsoever he or she be that shall succeed to them, they shall leave to every of the said realms, lands and dominions whole and entire their privileges, rights and customs, and the same realms and dominions shall administer and cause to be administered by the natural born of the same realms, dominions and lands, and in all things faithfully procure their utility and quiet, and shall rule and nourish them in good justice and peace, according to their statutes and customs : finally, that between the said emperor, the prince and his successors, their realms and dominions whatsoever, and the said most gracious queen and her realms and dominions, there shall be from henceforth an entire and sincere fraternity, unity and most strait confederacy, forever (God willing) happily to endure, so as they shall mutually one of them aid another in all things which to themselves and their honour, and to the conservation of their heirs and successors shall be most agreeable, according to the strength, form and effect of the latter treaty of a strait amity, bearing date at Westminster the year of our Lord God one

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five hundred forty and two, the declaration of which  
areth date at Utrecht the sixteenth day of January in the  
our Lord God one thousand five hundred forty and six.  
one other treaty these articles following: first, that the  
noble prince shall not promote, admit or receive to any  
ministration or benefice in the said realm of England, and  
unions thereunto belonging, any stranger or person not  
er the dominion and subjection of the said most noble  
England: that the said most noble prince shall receive  
t into the service of his household and court gentlemen  
men of the same realm of England in a convenient  
and shall esteem, entertain and nourish them as his  
bjects, and shall bring none in his retinue, nor have none  
that will do any displeasure or wrong to the subjects of  
realm; and if they do, he shall take order to correct  
h condign punishment and see them expelled his court:  
said most noble prince shall do nothing whereby any-  
nnovated in the state and right, either public or private,  
e laws and customs of the said realm of England or the  
s thereunto belonging; but shall contrary wise, confirm  
to all estates and orders their rights and privileges: that  
said prince shall not lead away the aforesaid most noble

trary wise cause them diligently to be kept and renewed when need requireth, and shall so provide that the same may always be ready in their strength and force for the defence of the realm: item, that the realm of England, by occasion of this matrimony, shall not directly or indirectly be entangled with the war that is between the most victorious lord the emperor, father unto the said lord prince, and Henry, the French king, but he the said lord Philip, as much as shall lie in him, on the behalf of the said realm of England, shall see the peace between the said realms of France and England observed, and shall give no cause of any breach; \* \* \* so it may also please your Majesty for the more perfect corroboration and strength of the said articles, grants, pacts and agreements, and to the intent that the same may be the more inviolably observed and kept, that it may be enacted by the authority of this present parliament, that all and singular the said articles, covenants, grants, pacts, treaties and agreements, had, made and concluded for and concerning the said marriage between your Highness and the said prince of Spain, and all and singular the dependances thereof before rehearsed, shall immediately after the said marriage had and solemnized, stand, remain and abide in perfect force and efficacy, according to the effect, sense and true meaning of the said treaty.

II. And where among other the articles above remembered, it is agreed, that the said most noble prince shall, during the said marriage, have and enjoy jointly together with your Majesty, the style, honour and kingly name of the said realms and dominions to your Highness appertaining, and shall also aid your Highness being his wife in the happy administration of your realms and dominions, the rights, laws, privileges and customs of the said realms and dominions being nevertheless reserved and maintained; and where also it is provided, covenanted and agreed among other the said articles in the said treaty by and on the behalf of the said most noble prince, that the said most noble prince shall permit and suffer your most excellent Majesty to have the whole disposition of all the benefices and offices, lands, revenues, and fruits of the said realms and dominions, and that the said most noble prince shall not do anything whereby the estate and right, either public or private, or the laws and customs of the said realm of England, or the dominions thereunto belonging be innovated: for the more express explanation and declaration of the premises, we your faithful, loving and obedient subjects, do most humbly beseech your Highness that it may be provided, enacted and established by the authority of this present parliament, that your

Majesty as our only queen, shall and may solely and as a sole queen, use, have and enjoy the crown and sovereignty of and over your realms, dominions and subjects, with all the preëminences, prerogatives, dignities, authorities, jurisdictions, honours, castles, manors, lands, tenements and hereditaments belonging to the same, in such sole and only estate and in as large and ample manner and form in all degrees, acts, exercises and conditions, from and after the solemnization of the said marriage, and at all times during the same, which God grant long to continue and endure, as your Highness now hath, useth, exerciseth and enjoyeth the same, and as your Grace hath had, used, exercised and enjoyed, or might have had, used or enjoyed the same before the solemnization of the said marriage ; without any right, title, estate, claim or demand to be given, come or grow unto the said most noble prince as tenant by the courtesy of this realm, or in or by any other means by force of the said marriage, of, in and to your said imperial crown, sovereignty, realms, dominions, subjects, preeminences, prerogatives, dignities, authorities, jurisdictions, honours, castles, manors, lands, tenements and hereditaments belonging to the same, by any laws, usage or custom whatsoever ; the said marriage or any statute, custom, prescription or other thing to the contrary in any wise notwithstanding.

III. And yet nevertheless that it may be enacted, ordained and established by the authority of this present parliament, that all and singular gifts, grants, letters patents, exchanges, confirmations, leases and other writings, which after the said marriage and during the same shall pass and be made of the said benefices, offices, lands, revenues and fruits or any of them, shall be entitled, set forth and made in the names of the said most noble prince and of your most excellent Majesty, whether the said most noble prince shall be present within the said realms and dominions or within any of them, or absent : and the same gifts, grants, letters patents, exchanges, confirmations, leases and other writings, so set forth and made, shall be signed and firmed with the sign manual of your Highness ; and the same so signed, and sealed with the great seal of this realm, or with such seal as hath been accustomed, shall be by authority of this present parliament deemed, adjudged, declared and pronounced to be as good, perfect and of like force, strength and effect in the law, to all intents, constructions and purposes, against the said most noble prince, and against your Highness your heirs and successors, as if your excellent Majesty had been at the time of the making thereof sole and unmarried. \* \* \*

IV. And that it may be also further enacted, ordained and

established by the authority aforesaid, that all commissions, instructions, pardons, writs of summons, prorogations or dissolutions of parliaments, royal assents, adjournments of terms, original writs and other process, instruments, licenses, judicial acts and all manner writings, other than the said gifts, grants, letters patents, exchanges, confirmations, leases and other writings concerning or in any wise touching the said benefices, offices, lands, revenues and fruits or any of them, after the said marriage, and during the time of the same, whether the said most noble prince shall be present within the said realms and dominions, or within any of them, or absent, after the signing by your Majesty of the warrants or writings of them heretofore used to be signed, shall pass, be set forth and made from time to time in the names of the said most noble prince, and your most excellent Highness, by such officers and ministers and in such manner, form and order as hath been used and accustomed to pass, be set forth and made in the time or times of your Grace's most noble progenitors or any of them; and shall be by the authority of this present parliament, of the same and like force, strength and effect in the law to all intents, constructions and purposes, as if your most excellent Majesty were then sole and not married: the said marriage or any law, usage or custom to the contrary in any wise notwithstanding.

\* \* \* \* \*

## 165. Revival of the Heresy Acts

(1554. 1 & 2 Philip and Mary, c. 6. 4 S. R. 244. G. and H. 384.)

**F**OR the eschewing and avoiding of errors and heresies, which of late have risen, grown, and much increased within this realm, for that the ordinaries have wanted authority to proceed against those that were infected therewith: be it therefore ordained and enacted by authority of this present Parliament, that the statute made in the fifth year of the reign of King Richard II., concerning the arresting and apprehension of erroneous and heretical preachers, and one other statute made in the second year of the reign of King Henry IV., concerning the repressing of heresies and punishment of heretics, and also one other statute made in the second year of the reign of King Henry V., concerning the suppression of heresy and Lollardy, and every article, branch, and sentence contained in the same three several Acts, and every of



them, shall from the twentieth day of January next coming be revived, and be in full force, strength, and effect to all intents, constructions, and purposes for ever.

### 166. Second Act of Repeal of Mary

(1554. 1 & 2 Philip and Mary, c. 8. 4 S. R. 246. The whole act reprinted in G. and H. 385-415.)

**W**HEREAS since the twentieth year of King Henry VIII. of famous memory, father unto your majesty our most natural sovereign and gracious lady and queen, much false and erroneous doctrine has been taught, preached, and written, partly by divers the natural-born subjects of this realm, and partly being brought in hither from sundry other foreign countries, has been sown and spread abroad within the same :

By reason whereof, as well the spirituality as the temporality of your highness's realms and dominions have swerved from the obedience of the See Apostolic, and declined from the unity of Christ's Church, and so have continued, until such time as your majesty being first raised up by God, and set in the seat royal over us, and then by His divine and gracious providence knit in marriage with the most noble and virtuous prince the king our sovereign lord your husband, the pope's holiness and the See Apostolic sent hither unto your majesties (as unto persons undefiled, and by God's goodness preserved from the common infection aforesaid) and to the whole realm, the most reverend father in God, the lord Cardinal Pole, legate *de Latere*, to call us home again into the right way from whence we have all this long while wandered and strayed abroad ;

And we, after sundry long and grievous plagues and calamities, seeing by the goodness of God our own errors, have acknowledged the same unto the said most reverend father, and by him have been and are the rather at the contemplation of your majesties received and embraced into the unity and bosom of Christ's Church, and upon our humble submission and promise made for a declaration of our repentance, to repeal and abrogate such Acts and statutes as had been made in Parliament since the said twentieth year of the said King Henry VIII., against the supremacy of the See Apostolic, as in our submission exhibited to

the said most reverend father in God by your majesties appears : the tenor whereof ensues :

II. We the Lords spiritual and temporal, and the Commons, assembled in this present Parliament, representing the whole body of the realm of England, and the dominions of the same, in the name of ourselves particularly, and also of the said body universally, in this our supplication directed to your majesties, with most humble suit, that it may by your grace's intercession and mean be exhibited to the most reverend father in God, the lord Cardinal Pole, legate, sent specially hither from our most holy father the Pope Julius III and the See Apostolic of Rome, do declare ourselves very sorry and repentant of the schism and disobedience committed in this realm and dominions aforesaid against the said See Apostolic, either by making, agreeing, or executing any laws, ordinances, or commandments against the supremacy of the said see, or otherwise doing or speaking, that might impugn the same : offering ourselves, and promising by this our supplication, that for a token and knowledge of our said repentance we be and shall be always ready, under and with the authorities of your majesties, to the uttermost of our powers, to do that shall lie in us for the abrogation and repealing of the said laws and ordinances in this present Parliament, as well for ourselves as for the whole body whom we represent : whereupon we most humbly desire your majesties, as personages undefiled in the offence of this body towards the said see, which nevertheless God by His providence has made subject to you, to set forth this our most humble suit, that we may obtain from the See Apostolic, by the said most reverend father, as well particularly and generally, absolution, release, and discharge from all danger of such censures and sentences, as by the laws of the Church we be fallen into ; and that we may as children repentant be received into the bosom and unity of Christ's Church, so as this noble realm, with all the members thereof, may in this unity and perfect obedience to the See Apostolic and popes for the time being, serve God and your majesties, to the furtherance and advancement of His honour and glory. We are at the intercession of your majesties, by the authority of our holy father Pope Julius III and of the See Apostolic, assoiled, discharged, and delivered from excommunications, interdictions, and other censures ecclesiastical, which have hanged over our heads for our said defaults since the time of the said schism mentioned in our supplication : it may now like your majesties, that for the accomplishment of our promise made in the said supplication, that is, to repeal all laws and statutes made con-

trary to the said supremacy and See Apostolic, during the said schism, the which is to be understood since the twentieth year of the reign of the said late King Henry VIII, and so the said lord legate does accept and recognize the same.

\* \* \* \* \*

XXV. And where we your most humble subjects, the Lords spiritual and temporal, and Commons, in this present Parliament assembled, have exhibited to your majesties one other supplication in form following: We the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, representing the whole body of this realm, reduced and received by your majesties' intercession to the unity of Christ's Church, and the obedience of the See Apostolic of Rome, and the pope's holiness governing the same, make most humble suit unto your majesties to be likewise means and intercessors, that all occasions of contention, hatred, grudge, suspicion, and trouble, both outwardly and inwardly in men's consciences, which might arise amongst us by reason of disobedience, may by authority of the pope's holiness, and by ministration of the same unto us by the most reverend father in God the lord Cardinal Pole, by dispensation, toleration, or permission respectively, as the case shall require, be abolished and taken away, and by authority sufficient these articles following, and generally all others, when occasion shall so require, may be provided for and confirmed:

XXVI. First, that all bishoprics, cathedral churches, hospitals, colleges, schools, and other such foundations now continuing, made by authority of Parliament, or otherwise established according to the order of the laws of this realm, since the schism, may be confirmed and continued for ever.

XXVII. Item, that marriages made *infra gradus prohibitos consanguinitatis, affinitatis, cognationis spiritualis*, or which might be made void *propter impedimentum publica honestatis, justitiæ*, or for any other cause prohibited by the canons only, may be confirmed, and children born of those marriages declared legitimate, so as those marriages were made according to the laws of the realm for the time being, and be not directly against the laws of God, nor in such case as the See Apostolic has not used to dispense withal.

XXVIII. That institutions of benefices, and other promotions ecclesiastical, and dispensations made according to the form of the Act of Parliament, may be likewise confirmed.

XXIX. That all judicial processes made before any ordinaries of

this realm, or before any delegates upon any appeals, according to the order of the laws of the realm, may be likewise ratified and confirmed.

XXX. And finally, where certain Acts and statutes have been made in the time of the late schism, concerning the lands and hereditaments of archbishoprics and bishoprics, the suppression and dissolution of monasteries, abbeyes, priories, chantries, colleges, and all other the goods and chattels of religious houses; since the which time the right and dominion of certain lands and hereditaments, goods, and chattels, belonging to the same, be dispersed abroad, and come to the hands and possessions of divers and sundry persons, who by gift, purchase, exchange, and other means, according to the order of the laws and statutes of this realm for the time being, have the same: for the avoiding all scruples that might grow by any the occasions aforesaid, or by any other ways or means whatsoever, it may please your majesties to be intercessors and mediators to the said most reverend father Cardinal Pole, that all such causes and quarrels, as by pretence of the said schism, or by any other occasion or mean whatsoever, might be moved by the pope's holiness or See Apostolic, or by any other jurisdiction ecclesiastical, may be utterly removed and taken away; so as all persons having sufficient conveyance of the said lands and hereditaments, goods, and chattels as is aforesaid, by the common laws, acts, or statutes of this realm, may, without scruple of conscience, enjoy them without impeachment or trouble by pretence of any general council, canons, or ecclesiastical laws, and clear from all dangers of the censures of the Church.

\* \* \* \* \*

XXXIII. And therefore be it enacted by the authority of this present Parliament, that all and singular articles and clauses contained in the said dispensation, as well touching the establishment of bishoprics and cathedral churches, as also the confirmation of marriages in degrees prohibited by the canons of the Church, the legitimation of children, and the ratification of processes, and of sentences in matters ecclesiastical, touching the invalidity of them for want of jurisdiction, and the institutions and destitutions of and in benefices and promotions ecclesiastical, dispensations and graces given by such order as the public laws of the realm then approved, and all other things before contained in the said letters of dispensation, shall remain and be reputed and taken to all intents and constructions in the laws of this realm, lawful, good,

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ual, to be alleged and pleaded in all courts ecclesiastical or temporal, for good and sufficient matter, either for the plaintiff or defendant, without any allegation or objection to be made against the validity of them, by pretence of any general statute, canon, or decree to the contrary made, or to be made, in any such behalf.

. And whereas divers and sundry late monasteries, priories, commanderies, nunneries, deaneries, prebends, colleges, schools, houses of friars, chantries, and other religious and ecclesiastical houses and places, and the manors, granges, messuages, lands, tenements, rectories, tithes, pensions, portions, vicarages, churches, chapels, advowsons, nominations, patronages, reversions, reverts, reversions, services, and other possessions and appurtenances to the said late monasteries, priories, nunneries, deaneries, chantries, prebends, houses of friars, hospitals, and other religious and ecclesiastical houses, and to sundry archbishoprics and bishoprics, within the said late appertaining and belonging, came as well to the possession of the said king of famous memory, Henry the sixth, as unto your majesty, our said sovereign lady, by dissolution, grant, surrender, attainder, or otherwise, as also to the possession of divers and sundry other persons and

free chapels, guilds, and fraternities, and the manors, granges, messuages, lands, tenements, rents, reversions, services, tithes, pensions, portions, vicarages, churches, chapels, advowsons, nominations, patronages, annuities and hereditaments, goods and chattels, to the said monasteries, priories, nunneries, commanderies, deaneries, colleges, hospitals, chantries, free chapels, guilds, fraternities, and other ecclesiastical houses, archbishoprics, and bishoprics belonging, as well for great sums of money, as for other good and reasonable causes and considerations, have been conveyed and assured to divers the subjects and bodies politic of this realm, as well by the said King Henry VIII, the said King Edward VI, and by your highness our sovereign lady, and jointly by both your majesties, as also by divers the owners of the said ecclesiastical possessions ; which said conveyances and assurances, by their sundry letters patent, and other writings more plainly do and may appear :

Forasmuch as the said most reverend father has also by the said dispensations removed and taken away all matter of impeachment, trouble, and danger, which by occasion of any general council, canon, or decree ecclesiastical, might touch and disquiet the possessions of such goods moveable, lands, tenements, possessions, and hereditaments as were of late belonging to any of the said archbishoprics, bishoprics, monasteries, priories, nunneries, commanderies, deaneries, colleges, chantries, prebends, rectories, hospitals, houses of friars, or other religious and ecclesiastical houses and places, of what nature, name, kind, or quality soever they be of ; yet for that the title of all lands, possessions, and hereditaments, in this your majesties' realm and dominions, is grounded in the laws, statutes, and customs of the same, and by your high jurisdiction, authority royal, and crown imperial, and in your courts only, to be impleaded, ordered, tried, and judged, and none otherwise ; and understanding that the whole, full, and most gracious intents, mind, and determination of your most excellent majesties be, that all and every person and persons, bodies politic and corporate, their heirs, successors, and assigns, and every of them, shall have, keep, retain, and enjoy all and every their estates, rights, possessions, and interests that they, and every of them, now have, or hereafter shall have, of and in all and every the manors, granges, messuages, lands, tenements, tithes, pensions, portions, advowsons, nominations, patronages, annuities, rents, reversions, services, hundreds, wapentakes, liberties, franchises, and other the possessions and hereditaments of the said monasteries, abbeyes, priories, nunneries, commanderies, deaneries, colleges, prebends,

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riars, hospitals, chantries, rectories, vicarages, churches,  
or bishoprics, bishoprics, and other religious or ecclesiastical  
places, or of any of them, within this realm or the  
of the same, by such laws and statutes as were in force  
first day of this present Parliament, and by other lawful  
to them thereof made :

That it may be enacted \* \* \*

\* \* \* \* \*

---

### 167. The Act of Supremacy

Elizabeth, c. 1. 4 S. R. 350. The whole act reprinted in G. and  
H. 442-458.)

humbly beseech your most excellent majesty, your faith-  
and obedient subjects, the Lords spiritual and temporal,  
commons, in this your present Parliament assembled, that  
time of the reign of your most dear father, of worthy  
King Henry VIII, divers good laws and statutes were  
established, as well for the utter extinguishment and  
of all usurped and foreign powers and authorities out

power and authority, and do yet remain in that bondage, to the intolerable charges of your loving subjects, if some redress, by the authority of this your High Court of Parliament, with the assent of your highness, be not had and provided :

II. May it therefore please your highness, for the repressing of the said usurped foreign power and the restoring of the rights, jurisdictions, and pre-eminences appertaining to the imperial crown of this your realm, that it may be enacted by the authority of this present Parliament, that the said Act made in the said first and second years of the reigns of the said late King Philip and Queen Mary, and all and every branches, clauses, and articles therein contained (other than such branches, clauses, and sentences as hereafter shall be excepted) may, from the last day of this session of Parliament, by authority of this present Parliament, be repealed, and shall from thenceforth be utterly void and of none effect.

\* \* \* \* \*

XVI. And to the intent that all usurped and foreign power and authority, spiritual and temporal, may for ever be clearly extinguished, and never to be used or obeyed within this realm, or any other your majesty's dominions or countries, may it please your highness that it may be further enacted by the authority aforesaid, that no foreign prince, person, prelate, state, or potentate, spiritual or temporal, shall at any time after the last day of this session of Parliament, use, enjoy, or exercise any manner of power, jurisdiction, superiority, authority, pre-eminence or privilege, spiritual or ecclesiastical, within this realm, or within any other your majesty's dominions or countries that now be, or hereafter shall be, but from thenceforth the same shall be clearly abolished out of this realm, and all other your highness's dominions for ever ; any statute, ordinance, custom, constitutions, or any other matter or cause whatsoever to the contrary in any wise notwithstanding.

XVII. And that also it may likewise please your highness, that it may be established and enacted by the authority aforesaid, that such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been, or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial crown of this realm.



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And that your highness, your heirs and successors, kings of this realm, shall have full power and authority by this Act, by letters patent under the great seal of England, to assign, name, and authorize, when and as often as your heirs or successors, shall think meet and convenient, for such and so long time as shall please your highness, your heirs or successors, such person or persons being born subjects to your highness, your heirs or successors, your majesty, your heirs or successors, shall think meet, to exercise, occupy, and execute under your highness, your heirs or successors, all manner of jurisdictions, privileges, and prerogatives, in any wise touching or concerning any spiritual or ecclesiastical jurisdiction, within these your realms of England and Wales, or any other your highness's dominions or countries; and to reform, redress, order, correct, and amend all such errors, abuses, customs, usages, and enormities, which by any manner of spiritual or ecclesiastical power, jurisdiction, or authority, can or may lawfully be reformed, redressed, corrected, restrained, or amended, to the praise of Almighty God, the increase of virtue, and the comfort of the peace and unity of this realm; and that such persons so to be named, assigned, authorized, and appointed by your highness, your heirs or successors, after the said

'I, *A. B.*, do utterly testify and declare in my conscience, that the queen's highness is the only supreme governor of this realm, and of all other her highness's dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal, and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities, and do promise that from thenceforth I shall bear faith and true allegiance to the queen's highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges, and authorities granted or belonging to the queen's highness, her heirs and successors, or united and annexed to the imperial crown of this realm. So help me God, and by the contents of this book.'

XX. And that it may be also enacted, that if any such archbishop, bishop, or other ecclesiastical officer or minister, or any of the said temporal judges, justiciaries, or other lay officer or minister, shall peremptorily or obstinately refuse to take or receive the said oath, that then he so refusing shall forfeit and lose, only during his life, all and every ecclesiastical and spiritual promotion, benefice, and office, and every temporal and lay promotion and office, which he has solely at the time of such refusal made; and that the whole title, interest, and incumbency, in every such promotion, benefice, and other office, as against such person only so refusing, during his life, shall clearly cease and be void, as though the party so refusing were dead.

XXI. And that also all and every such person and persons so refusing to take the said oath, shall immediately after such refusal be from thenceforth, during his life, disabled to retain or exercise any office or other promotion which he, at the time of such refusal, has jointly, or in common, with any other person or persons.

XXII. And that all and every person and persons, that at any time hereafter shall be preferred, promoted, or collated to any archbishopric or bishopric, or to any other spiritual or ecclesiastical benefice, promotion, dignity, office, or ministry, or that shall be by your highness, your heirs or successors, preferred or promoted to any temporal or lay office, ministry, or service within this realm, or in any your highness's dominions, before he or they shall take upon him or them to receive, use, exercise, supply, or occupy any such archbishopric, bishopric, promotion, dignity, office, ministry, or service, shall likewise make, take, and receive

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oath before mentioned, upon the evangelist,  
as have or shall have authority to admit any  
such office, ministry, or service, or else before  
persons as by your highness, your heirs or succes-  
sors under the great seal of England, shall be  
appointed to minister the said oath.

That it may likewise be further enacted by the  
authority, that if any such person or persons, as at any  
time shall be promoted, preferred, or collated to any  
spiritual or ecclesiastical, benefice, office, or min-  
istry by your highness, your heirs or successors, shall be  
refused to any temporal or lay office, ministry, or  
service, do peremptorily and obstinately refuse to take  
the oath to him to be offered; that then he or they so  
refusing shall be judged disabled in the law to receive,  
or to be promoted to any such spiritual or ecclesiastical, the  
benefice, ministry, or service within this realm, or  
your highness's dominions, to all intents, constructions,

That it may be further enacted by the authority  
of the said parliament, that every person and persons temporal, suing  
for any office, ministry, or service out of the hands of your highness, your  
heirs or successors, before his or their livery or *ouster le main*  
is allowed, and every temporal person or persons  
suing to your highness, your heirs or successors, or  
being called into service with your highness, your heirs  
or successors, shall make, take, and receive the said corporal oath  
before the lord chancellor of England, or the  
lord treasurer of the great seal for the time being, or before such  
other person or persons as by your highness, your heirs or successors,

nately and peremptorily refuse to accept and take the said oath as is aforesaid, and after, at any time during his life, shall willingly require to take and receive the said oath, and so do take and accept the same oath before any person or persons that shall have lawful authority to minister the same ; that then every such person, immediately after he has so received the same oath, shall be vested, deemed, and judged in like estate and possession of the said office, as he was before the said refusal, and shall and may use and exercise the said office in such manner and form as he should or might have done before such refusal, anything in this Act contained to the contrary in any wise notwithstanding.

XXVII. And for the more sure observation of this Act, and the utter extinguishment of all foreign and usurped power and authority, may it please your highness, that it may be further enacted by the authority aforesaid, that if any person or persons dwelling or inhabiting within this your realm, or in any other your highness's realms or dominions, of what estate, dignity, or degree soever he or they be, after the end of thirty days next after the determination of this session of this present Parliament, shall by writing, printing, teaching, preaching, express words, deed or act, advisedly, maliciously, and directly affirm, hold, stand with, set forth, maintain, or defend the authority, pre-eminence, power or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state, or potentate whatsoever, heretofore claimed, used, or usurped within this realm, or any dominion or country being within or under the power, dominion, or obeisance of your highness ; or shall advisedly, maliciously, and directly put in use or execute anything for the extolling, advancement, setting forth, maintenance, or defence of any such pretended or usurped jurisdiction, power, pre-eminence, or authority, or any part thereof ; that then every such person and persons so doing and offending, their abettors, aiders, procurers, and counsellors, being thereof lawfully convicted and attainted, according to the due order and course of the common laws of this realm, for his or their first offence shall forfeit and lose unto your highness, your heirs and successors, all his and their goods and chattels, as well real as personal.

XXVIII. And if any such person so convicted or attainted shall not have or be worth of his proper goods and chattels to the value of twenty pounds, at the time of his conviction or attainder, that then every such person so convicted and attainted, over and besides the forfeiture of all his said goods and chattels, shall have and suffer imprisonment, by the space of one whole year, without bail or mainprise.

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at also all and every the benefices, prebends, and promotions and dignities whatsoever, of every offending, and being attainted, shall immediately be utterly void to all intents and purposes, as if the incumbent thereof were dead; and that the incumbent of every such benefice, prebend, spiritual promotion, shall and may lawfully present unto the same, in such manner and form as if the said incumbent were dead; and if any offender or offenders, after such conviction, do afterwards commit or do the said offences, in manner and form aforesaid, and be thereof again convicted and attainted, as is aforesaid; that then every such offender or offenders shall for the same second offence suffer the pains, penalties, and forfeitures ordained and enacted by the Statute of Provision and *Præmunire*, made in the reign of King Richard II.

And if any such offender or offenders, at any time after such conviction and attaintment, do the third time commit the said offences, or any of them, in manner and form aforesaid, and be thereof duly convicted and attainted, as is aforesaid; that then every such offence or offences shall be deemed felony, and high treason, and that the offender and offenders thereof lawfully convicted and attainted, according to the laws of this realm, shall suffer pains of death, and other penalties, and losses, as in cases of high treason by the laws of this realm.

• • • • •

## The Act of Uniformity

and administration of the sacraments; the which was repealed and taken away by Act of Parliament in the first year of the reign of our late sovereign lady Queen Mary, to the great decay of the true honour of God, and discomfort to the professors of the truth of Christ's religion :

II. Be it therefore enacted by the authority of this present Parliament, that the said statute of repeal, and everything therein contained, only concerning the said book, and the service, administration of sacraments, rites, and ceremonies contained or appointed in or by the said book, shall be void and of none effect, from and after the feast of the Nativity of St. John Baptist next coming; and that the said book, with the order of service, and of the administration of sacraments, rites, and ceremonies, with the alterations and additions therein added and appointed by this statute, shall stand and be, from and after the said feast of the Nativity of St. John Baptist, in full force and effect, according to the tenor and effect of this statute; anything in the aforesaid statute of repeal to the contrary notwithstanding.

III. And further be it enacted by the queen's highness, with the assent of the Lords and Commons in this present Parliament assembled, and by the authority of the same, that all and singular ministers in any cathedral or parish church, or other place within this realm of England, Wales, and the marches of the same, or other the queen's dominions, shall from and after the feast of the Nativity of St. John Baptist next coming be bounden to say and use the Matins, Evensong, celebration of the Lord's Supper and administration of each of the sacraments, and all the common and open prayer, in such order and form as is mentioned in the said book, so authorized by Parliament in the said fifth and sixth years of the reign of King Edward VI, with one alteration or addition, of certain lessons to be used on every Sunday in the year, and the form of the Litany altered and corrected, and two sentences only added in the delivery of the sacrament to the communicants, and none other or otherwise.

IV. And that if any manner of parson, vicar, or other whatsoever minister, that ought or should sing or say common prayer mentioned in the said book, or minister the sacraments, from and after the feast of the Nativity of St. John Baptist next coming, refuse to use the said common prayers, or to minister the sacraments in such cathedral or parish church, or other places as he should use to minister the same, in such order and form as they be mentioned and set forth in the said book: or shall wilfully or obstinately standing in the same, use any other rite, ceremony,

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m, or manner of celebrating of the Lord's Supper, openly  
or Matins, Evensong, administration of the sacraments,  
open prayers, than is mentioned and set forth in the said  
open prayer in and throughout this Act, is meant that  
such is for others to come unto, or hear, either in common  
or private chapels or oratories, commonly called the ser-  
vice Church), or shall preach, declare, or speak anything  
derogation or depraving of the said book, or anything  
contained, or of any part thereof, and shall be thereof law-  
fully convicted, according to the laws of this realm, by verdict of  
jury, or by his own confession, or by the notorious evidence  
of others, shall lose and forfeit to the queen's highness, her heirs  
and successors, for his first offence, the profit of all his spiritual  
benefits or promotions coming or arising in one whole year next  
after his conviction; and also that the person so convicted shall  
for the same offence suffer imprisonment by the space of six months,  
with or without bail or mainprize.

And if any such person once convicted of any offence con-  
cerning the premises, shall after his first conviction afterwards offend,  
thereof, in form aforesaid, lawfully convicted, that then the  
person so shall for his second offence suffer imprisonment by  
the space of one whole year, and also shall therefor be deprived,  
and shall be incapable of all his spiritual promotions: and that it shall be lawful

IX. And it is ordained and enacted by the authority aforesaid, that if any person or persons whatsoever, after the said feast of the Nativity of St. John Baptist next coming, shall in any interludes, plays, songs, rhymes, or by other open words, declare or speak anything in the derogation, depraving, or despising of the same book, or of anything therein contained, or any part thereof; or shall, by open fact, deed, or by open threatenings, compel or cause, or otherwise procure or maintain, any parson, vicar, or other minister in any cathedral or parish church, or in chapel, or in any other place, to sing or say any common or open prayer, or to minister any sacrament otherwise, or in any other manner and form, than is mentioned in the said book; or that by any of the said means shall unlawfully interrupt or let any parson, vicar, or other minister in any cathedral or parish church, chapel, or any other place, to sing or say common and open prayer, or to minister the sacraments or any of them, in such manner and form as is mentioned in the said book; that then every such person, being thereof lawfully convicted in form abovesaid, shall forfeit to the queen our sovereign lady, her heirs and successors, for the first offence a hundred marks.

X. And if any person or persons, being once convicted of any such offence, eftsoons offend against any of the last recited offences, and shall, in form aforesaid, be thereof lawfully convicted, that then the same person so offending and convicted shall, for the second offence, forfeit to the queen our sovereign lady, her heirs and successors, four hundred marks.

XI. And if any person, after he, in form aforesaid, shall have been twice convicted of any offence concerning any of the last recited offences, shall offend the third time, and be thereof, in form abovesaid, lawfully convicted, that then every person so offending and convicted shall for his third offence forfeit to our sovereign lady the queen all his goods and chattels, and shall suffer imprisonment during his life.

XII. And if any person or persons, that for his first offence concerning the premises shall be convicted, in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his conviction; that then every person so convicted, and so not paying the same, shall for the same first offence, instead of the said sum, suffer imprisonment by the space of six months, without bail or mainprize.

XIII. And if any person or persons, that for his second offence concerning the premises shall be convicted in form aforesaid,



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the said sum to be paid by virtue of his conviction  
state, in such manner and form as the same ought to  
within six weeks next after his said second conviction;  
every person so convicted, and not so paying the same,  
the same second offence, in the stead of the said sum,  
imprisonment during twelve months, without bail or

and that from and after the said feast of the Nativity of  
Christmas next coming, all and every person and persons  
within this realm, or any other the queen's majesty's  
shall diligently and faithfully, having no lawful or rea-  
sonable cause to be absent, endeavour themselves to resort to  
the church or chapel accustomed, or upon reasonable let  
at some usual place where common prayer and such ser-  
vice shall be used in such time of let, upon every Sunday  
and days ordained and used to be kept as holy days, and  
there to abide orderly and soberly during the time of  
common prayer, preachings, or other service of God there to  
be ministered; upon pain of punishment by the censures  
of the church, and also upon pain that every person so offending  
shall forfeit for every such offence twelve pence, to be levied by the  
parish of the parish where such offence shall be done, to  
the poor of the same parish, of the goods, lands, and

nothing that we your said subjects for our parties can, may or ought towards your Highness more firmly, entirely and assuredly in the purity of our hearts think or with our mouths declare and confess to be true, than that your Majesty our said Sovereign Lady is, and in very deed and of most mere right ought to be, by the laws of God and the laws and statutes of this realm, our most rightful and lawful Sovereign Liege Lady and Queen; and that your Highness is rightly, lineally and lawfully descended and come of the blood royal of this realm of England, in and to whose princely person, and the heirs of your body lawfully to be begotten, after you, without all doubt, \* \* \* the imperial and royal estate, place, crown, and dignity of this realm, with all honours \* \* \* and preeminences to the same now belonging and appertaining, are and shall be most fully \* \* \* invested and incorporated \* \* \* as rightfully and lawfully \* \* \* as the same were in the said late King Henry the Eighth or in the late King Edward the Sixth \* \* \* or in the late Queen Mary \* \* \* at any time since the act of parliament made in the thirty-fifth year of the reign of your said most noble father King Henry the Eighth, entitled An Act concerning the establishment of the King's Majesty's succession in the imperial crown of this realm.

\* \* \*

IV. And that it may be enacted, That as well this our declaration \* \* \* as also the limitation and declaration of the succession \* \* \* contained in the said Act \* \* \* shall stand the law of this realm for ever.

\* \* \*

## 170. The Treason Act

(1559. 1 Elizabeth, c. 5. Prothero, 23-25.)

\* \* \* **B**E it enacted \* \* \* that if any person or persons after the first day of May next to come do maliciously, advisedly and directly compass or imagine to deprive the Queen's Majesty \* \* \* from the style, honour and kingly name of the imperial crown of this realm, or from any other the realms and dominions unto our said Sovereign Lady appertaining, or to destroy the Queen's Majesty \* \* \* or to levy war within this realm or within any the marches or dominions to the same belonging

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Queen's Majesty \* \* \* or to depose the Queen's  
from the imperial crown of the realms and domin-  
ions and the same compasses or imaginations or any  
ways, advisedly and directly shall or do utter by  
any express words or sayings; or if any person on  
the said first day of May next coming, shall mali-  
ciously and directly say \* \* \* or hold opinion, that the  
Queen that now is, during her life, is not or ought not  
to be the lawful sovereign of this realm, or after her death that the heirs of her  
body, being Kings or Queens of this realm, of right  
shall be Kings or Queens of this realm, or that any other  
person shall be the Queen's Highness that now is during her life  
or Queen of this realm \* \* \*; that then every  
person being thereof duly convicted \* \* \* their abettors  
\* \* \* shall forfeit and lose to the Queen's High-  
ness and successors, all their goods and chattels, and  
profits of their lands, tenements and heredita-  
ments for the life of every such offender or offenders.  
And shall suffer during their lives perpetual imprisonment.  
\* \* \* that every ecclesiastical person being con-  
victed of the said offence shall \* \* \* be \* \* \* deprived from  
any promotions spiritual or ecclesiastical. \* \* \*  
And any person being hereafter convicted of any the  
said offence shall \* \* \* afterwards commit any of the said  
offences that then every such second offence shall be deemed  
a new offence and the offenders therein, their abettors [&c.] shall  
be adjudged traitors, and shall suffer pains of death and for-  
feiture of all their goods, chattels, lands and tenements to the Queen's  
Highness and successors. \* \* \*  
Further enacteth \* \* \* That if any person \* \* \*

feit and suffer as in cases of misprision of treason hath heretofore been used. \* \* \*

VII. [Peers to be tried by their peers.]

VIII. And be it further enacted \* \* \* that no person shall be impeached for any of the offences above-said committed only by open preaching or words, unless the offender be thereof indicted within six months. \* \* \*

IX. [Punishment of accessories.]

X. Provided \* \* \* that no person shall be hereafter indicted for any offence made treason or misprision of treason by this Act, unless the same offence \* \* \* be proved by the testimony and oath of two lawful and sufficient witnesses at the time of his indictment ; which said witnesses also at the time of the arraignment of the party so indicted (if they be then living) shall be brought forth in person before the party so arraigned face to face, and there shall avow all they can say against the said party so indicted, unless the said party so indicted shall willingly without violence confess the same.



## 171. Grant of Tonnage and Poundage

(1559. 1 Elizabeth, c. 20. Prothero, 26, 27.)

**I**N their most humble wise show unto your most excellent Majesty, your poor and obedient subjects and Commons in this your present Parliament assembled, That where as well your noble grandfather of worthy memory, King Henry the Seventh \* \* \* as other your right noble and famous progenitors, kings of this your realm of England, time out of mind, have had and enjoyed unto them by authority of Parliament, for the defence of the same now your realm, and the keeping and safeguard of the seas for the intercourse of merchandize, safely to come into and pass out of the same, certain sums of money, named subsidies, of all manner of goods and merchandize, coming in or going out of the same your realm ; \* \* \* we your said poor Commons, by the advice and consent of the Lords spiritual and temporal in this your present Parliament assembled, and by the authority of the same, to the intent aforesaid, give and grant to you our supreme Liege Lady and Sovereign, one subsidy called Tonnage, that is to say, of every ton of wine \* \* \* that shall or is come into this your realm, by way of merchandize, the sum of 3s., and so after the rate, and of every ton of sweet wine as well malvesey as other,

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... come into the same your realm by any merchant-  
... 3s., and so after the rate, over and above the 3s.  
... and of every awm of Rhenish wine coming into  
... m \* \* \* 12d., and also one other subsidy called  
... it is to say, of all manner of goods and merchandizes  
... nant, denizens, and alien, \* \* \* carried out of this  
... or brought into the same by way of merchandize,  
... of every 20s. of the same goods and merchandize,  
... after the rate; and of every 20s. value of tin and  
... earned out of this your realm by any and every  
... 12d. over and above the 12d. aforesaid. \* \* \*

---

## Establishment of the Court of High Commission

(1559. Prothero, 227-231.)

... H by the grace of God [&c.]. To the reveren-  
... God Mathew Parker, nominated bishop of Canter-  
... d. Grindall nominated bishop of London, and to

## Establishment of Court of High Commission 311

issension amongst our loving and obedient subjects, much to the isquieting of us and our people :

[III.] Wherefore we, earnestly minding to have the same Acts afore mentioned to be duly put in execution, and such persons s shall hereafter offend in anything contrary to the tenor and ffect of the said several statutes to be condignly punished, and aving especial trust and confidence in your wisdoms and discre- ons, have authorised, assigned and appointed you to be our com- issioners, and by these presents do give our full power and uthority to you, or six of you, whereof you, the said Mathew arker, Edmond Grindall, Thomas Smyth, Walter Haddon, Thomas ackford, Richard Gooderick and Gilbert Gerrard, to be one, from ime to time hereafter, during our pleasure, to enquire as well by he oaths of twelve good and lawful men, as also by witnesses and ll other ways and means ye can devise, for all offences, misdoers nd misdemeanours done and committed and hereafter to be ommitted or done contrary to the tenor and effect of the said everal acts and statutes and either of them, and also of all and ingular heretical opinions, seditious books, contempts, conspira- ies, false rumours, tales, seditions, misbehaviours, slanderous words or shewings, published, invented or set forth, or hereafter o be published, invented or set forth by any person or persons gainst us or contrary or against any the laws or statutes of this ur realm, or against the quiet governance and rule of our people nd subjects in any county, city, borough or other place or places ithin this our realm of England, and of all and every the coad- itors, counsellors, comforters, procurers and abettors of every ch offender.

[IV.] And further, we do give power and authority to you or x of you [quorum as before], from time to time hereafter during ur pleasure, as well to hear and determine all the premises, as so to enquire, hear and determine all and singular enormities, isturbances and misbehaviours, done and committed or hereafter o be done or committed in any church or chapel, or against any ivine service, or the minister or ministers of the same, contrary o the laws and statutes of this realm : and also to enquire of, earch out and to order, correct and reform all such persons as ereafter shall or will obstinately absent themselves from church nd such divine service as by the laws and statutes of this realm is ppointed to be had and used.

[V.] And also we do give and grant full power and authority nto you and six of you [quorum as before] from time to time and t all times during our pleasure, to visit, reform, redress, order,

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and amend in all places within this our realm of England errors, heresies, crimes, abuses, offences, contempts and spiritual and ecclesiastical wheresoever, which by any or ecclesiastical power, authority or jurisdiction can or may be reformed, ordered, redressed, corrected, restrained, to the pleasure of Almighty God, the increase of virtue, the conservation of the peace and unity of this our realm, according to the authority and power limited, given and appointed by any laws or statutes of this realm.

And also that you or six of you [quorum as before] shall have full power and authority from time to time to enquire, search out all masterless men, quarrellers, vagrant and suspicious persons within our city of London, and ten miles compass round the same city, and of all assaults and affrays done and committed within the same city and compass aforesaid.

And also we give full power and authority unto you and your heirs, as before, summarily to hear and finally determine, according to your discretions and by the laws of this realm, all complaints of all them, which in respect of religion, matrimony contracted and allowed by the same, were deprived, defrauded or spoiled of their lands, goods, rights, dignities, livings, offices, spiritual or temporal, and to give them as before to restore unto their said lands.

offender by fine, imprisonment or otherwise, by all or any of the ways aforesaid, and to take such order for the redress of the same, as to your wisdoms and discretions [shall be thought meet and convenient].

[X.] [And further we do give full power and authority unto you] or six of you [quorum as before] to call before you or six of you as aforesaid from time to time all and every offender or offenders, and such as [to] you or six of you, as aforesaid, shall seem to be suspect persons in any of the premises; and also all such witnesses as you or six of you, as aforesaid, shall think [meet] to be called before you or six of you as aforesaid and them and every of them to examine upon their corporal oath, for the better trial and opening of the premises or any part thereof.

[XI.] And if you or six of you, as aforesaid, shall find any person or persons obstinate or disobedient either in their [appearance] before you or six of you as aforesaid at your calling or commandment or else not accomplishing or not obeying your order, decrees and commandments in anything touching the premises or any part thereof; that then you, or six of you, as aforesaid, shall have full power and authority to commit the same person or persons so offending to ward, there to remain until he or they shall be by you or six of you, as aforesaid, enlarged and delivered.

[XII.] And further we do give unto you and six of you [quorum as before] full power and authority to take and receive by your discretions of every offender or suspect person to be convented or brought before you a recognizance or recognizances, obligation or obligations to our use, in such sum or sums of money as to you or six of you, as aforesaid, shall seem convenient, as well for their personal appearance before you or six of you, as aforesaid, as also for the performance and accomplishment of your orders and decrees, in case you or six of you, as aforesaid, shall see it so convenient.

[XIII.] And further, our will and pleasure is that you shall appoint our trusty and well-beloved John Skinner to be your register of all your acts, decrees and proceedings by virtue of this commission, and in his default one other sufficient person, and that you or six of you, as aforesaid, shall give such allowance to the same register for his pains and his clerks, to be levied of the fines and other profits that shall rise by force of this commission and your doings in the premises, as to your discretions shall be thought meet.



## English Constitutional Documents

further, our will and pleasure is that you or six of you, shall name and appoint one other sufficient receiver up and receive all such sums of money as shall be taxed by you or six of you as aforesaid, for any offence on any person or persons for their offences: and you or six of you, as aforesaid, by bill or bills signed with your seal and may assign and appoint as well to the said receiver in recovering the said sums, as also to your attendants upon you for their travail, pains and expenses sustained for or about the premises or any part thereof, such sums of money for their rewards, as by you or six of you as aforesaid, shall be thought expedient: willing and commanding you or six of you, as aforesaid, after the time this writ shall be expired, to certify into our court of exchequer as to the receipt of the said receiver as also a note of such fines as shall be taxed before you; to the intent that, upon the receipt of account of the said receiver, we be assured of the truth thereof as shall justly appertain: willing and commanding you and other officers, upon the sight of the said writ, to pay at the hand of you or six of you, as aforesaid, to the said receiver due allowances according to the said account.

And before we will and command you, our commissaries, to execute the premises with effect; any statutes, proclamations or other grants, privileges or charters which be or may seem to be contrary to the premises,

more, we will and command all and singular jus-

## 173. Ordinance of the Star Chamber for the Censorship of the Press

(1566. Prothero, 168, 169.)

I. THAT no person should print \* \* \* or bring \* \* \* into the realm printed any book against the force and meaning of any ordinance \* \* \* contained in any the statutes or laws of this realm or in any injunctions, letters patents or ordinances set forth by the Queen's authority.

II. That whosoever should offend against the said ordinances should forfeit all such books, and from thenceforth should never exercise \* \* \* the feat of printing; and to sustain three months' imprisonment.

III. That no person should sell, bind or sew any such books, upon pain to forfeit all such books and for every book 20s.

IV. That all books so forfeited should be brought into Stationers' Hall, \* \* \* and all the books so to be forfeited to be destroyed or made waste paper.

V. That it should be lawful for the wardens of the [Stationers'] Company \* \* \* to make search in all workhouses, shops \* \* \* and other places of printers, booksellers and such as bring books into the realm \* \* \* ; and all books to be found against the said ordinances to seise and carry to the Hall to the uses above said and to bring the persons offending before the Queen's Commissioners in causes ecclesiastical.

VI. Every stationer, printer, bookseller \* \* \* should \* \* \* enter into several recognizances of reasonable sums of money to her Majesty \* \* \* that he should truly observe all the said ordinances \* \* \*

Upon the consideration before expressed and upon the motion of the Commissioners, we of the Privy Council have agreed this to be observed and kept \* \* \* At the Star-Chamber the 29th of June 5, 1566 \* \* \*

N. BACON, C.S.	WINCHESTER.	R. LEICESTER.	E. CLYNTON.
E. ROGERS.	F. KNOLLYS.	AMBR. CAVE.	W. CECYL.

We underwrit think these ordinances meet and necessary to be decreed and observed.

MATTHUE CANTUAR.  
EDM. LONDON.

AMBR. CAVE.  
DAVID LEWIS.

THO. YALE.  
ROB. WESTON.  
T. HUYCKE.

## English Constitutional Documents

### Act against bringing Decrees of the Pope into England

1571. 13 Elizabeth, c. 2. Prothero, 60-63.)

At the parliament holden at Westminster, in the fifth  
the reign of our Sovereign Lady the Queen's Majesty  
one Act and Statute then and there made, entitled,  
Assurance of the Queen's Majesty's Royal Power  
ing other things very well ordained and provided,  
ing of the usurped power and jurisdiction of the  
ne \* \* \* That no person shall \* \* \* maintain,  
the same usurped power, or attribute any manner  
thority or preeminence to the same to be used  
on \* \* \* upon pain to incur the penalties provided  
t Provision and Præmunire \* \* \* : and yet never-  
ditions and very evil disposed people \* \* \* mind-  
d seem, very seditiously and unnaturally, not only  
lm and the imperial crown thereof (being in very  
ost free) into the thraldom and subjection of that  
and unlawful jurisdiction [&c.] claimed by the  
but also to estimate and alienate the lands

themselves discharged of all obedience to her Majesty, whereby most wicked and unnatural rebellion hath ensued, and to the further danger of this realm is hereafter very like to be renewed, if the ungodly and wicked attempts in that behalf be not by severity of laws in time restrained and bridled: For remedy and redress whereof, and to prevent the great mischiefs and inconveniences that thereby may ensue, be it enacted \* \* \* that if any person, after the first day of July next coming, shall use or put in use in any place within this realm \* \* \* any such bull, writing, or instrument \* \* \* of absolution or reconciliation \* \* \* or if any person after the said first day of July shall take upon him, by colour of any such bull \* \* \* or authority, to absolve or reconcile any person \* \* \* or if any person within this realm, \* \* \* after the said first day of July, shall willingly receive any such absolution or reconciliation; or else, if any person have obtained since the last day of the parliament holden in the first year of the Queen's Majesty's reign, or after the said first day of July shall obtain from the said Bishop of Rome \* \* \* any manner of bull \* \* \* or instrument \* \* \* or shall publish or by any ways or means put in use any such bull \* \* \* that then every such act \* \* \* shall be deemed by the authority of this Act to be high treason, and the offenders therein, their procurers [&c.] \* \* \* shall be deemed high traitors to the Queen and the realm; and being thereof lawfully indicted and attainted according to the course of the laws of this realm, shall suffer pains of death, and also forfeit all their lands [&c.] as in cases of high treason by the laws of this realm ought to be forfeited.

IV. And be it further enacted, that all aiders [&c.] of any the said offenders, after the committing of any the said acts \* \* \* shall incur the penalties contained in the Statute of Præmunire \* \* \*

V. Provided always \* \* \* that if any person to whom any such absolution \* \* \* or instrument as is aforesaid shall, after the said first day of July, be offered \* \* \* shall conceal the same \* \* \* and not disclose and signify the same \* \* \* within six weeks then next following, to some of the Queen's Majesty's Privy Council, or else to the President or Vice President of the Queen's Majesty's Council established in the north parts, or in the marches of Wales \* \* \* that then the same person so concealing \* \* \* the said offer \* \* \* shall incur the penalty of misprision of high treason.

\* \* \* \* \*

VII. And be it further enacted, that if any person shall at any time after the said first day of July bring into this realm of Eng-

land \* \* \* any \* \* \* thing called by the name of an Agnus Dei, or any crosses, pictures, beads or such-like vain and superstitious things, from the Bishop or see of Rome, \* \* \* and that if the same person so bringing in as is aforesaid such Agnus Dei and other like things, as be before specified, shall deliver \* \* \* the same to any subject of this realm \* \* \* to be worn or used in any wise : that then as well the same person so doing, as also every other person which shall receive the same, to the intent to use or wear the same, being thereof lawfully convicted and attainted by the order of the common laws of this realm, shall incur the penalties \* \* \* ordained by the Statute of Præmunire and Provision \* \* \*

\* \* \* \* \*

IX. And be it further enacted, that all persons which at any time since the beginning of the first year of the Queen's Majesty's reign have brought \* \* \* into this realm any such bulls [&c.] \* \* \* and now have any of the same bulls [&c.] in their custody, and shall within the space of three months next after the end of any session or dissolution of this present parliament deliver all such bulls [&c.] \* \* \* to the bishop of the diocese where such absolution hath been given and received \* \* \* and shall publicly before such bishop confess their offence therein and humbly desire to be restored \* \* \* to the Church of England, shall be clearly pardoned and discharged of all offences done in any matter concerning any of the said bulls [&c.] touching such absolution or reconciliation only ; and that all persons which have received any absolution from the said Bishop of Rome \* \* \* since the said first year of the reign of our said Sovereign Lady the Queen, and shall within the said space of three months next after any session or dissolution of this present parliament, come before the bishop of the diocese of such place where such absolution or reconciliation was had or made, and shall publicly before the same bishop confess \* \* \* their offence therein, and humbly desire to be restored, and admitted to the Church of England, shall be clearly pardoned and discharged of all offences committed in any matter concerning the said bulls, [&c.] touching only receiving such absolution or reconciliation ; \* \* \*

\* \* \* \* \*

## 175. The Oath of a Privy Councillor

(1571. Prothero, 165, 166.)

**Y**OU shall swear to be a true and faithful councillor to the Queen's Majesty as one of her Highness's Privy Council. You shall not know or understand of any manner thing to be attempted, done or spoken against her Majesty's person, honour, crown or dignity royal, but you shall let and withstand the same to the uttermost of your power, and either do or cause it to be forthwith revealed either to her Majesty's self or to the rest of her Privy Council. You shall keep secret all matters committed and revealed to you as her Majesty's councillor or that shall be treated of secretly in council. And if any of the same treaties or counsels shall touch any other of the councillors, you shall not reveal the same to him, but shall keep the same until such time as by the consent of her Majesty or of the rest of the council publication shall be made thereof. You shall not let to give true, plain and faithful counsel at all times, without respect either of the cause or of the person, laying apart all favour, meed, affection and partiality. And you shall to your uttermost bear faith and true allegiance to the Queen's Majesty, her heirs and lawful successors, and shall assist and defend all jurisdictions, preëminences and authorities granted to her Majesty and annexed to her crown, against all foreign princes, persons, prelates or potentates, whether by act of parliament or otherwise. And generally in all things you shall do as a faithful and true councillor ought to do to her Majesty. So help you God and the holy contents of this book.



## 176. Commission for the Manumission of Villeins

(1574. Prothero, 173, 174. Part translated.)

**E**LIZABETH, by the grace of God, &c., to our right trusty and well-beloved counsellor Sir William Cecil \* \* \* and to our trusty and right well-beloved counsellor Sir Walter Mildmay \* \* \* greeting. Whereas divers and sundry of our poor faithful and loyal subjects, being born bond in blood and regardant to divers and sundry our manors and possessions within our realm of England, have made humble suit unto us to be manumised, enfran-

## English Constitutional Documents

and made free, with their children and sequels \* \* \* We  
\* \* \* do name and appoint you two our commissioners  
and do commit \* \* \* unto you full power to accept \* \* \*  
manumitted, enfranchised and made free, such and so many  
bondmen and bondwomen in blood with all their children  
and heirs, their goods, lands, tenements and hereditaments as  
appertaining or regardant to any of our manors, lands  
within the said several counties of Cornwall, Devon, Somers-  
et Gloucester, as to you shall seem meet, compounding with  
such reasonable fines or sums of money \* \* \* for the  
redemption \* \* \* as you and they can agree : \* \* \* the tenor of  
said manumissions [&c.] shall be in such order and form as  
in these presents contained \* \* \*

Elizabeth, by the grace of God [&c.], to all to whom [&c.]

Since from the beginning God created all men free by  
His law, while afterward the law of nations placed some under the  
yoke of servitude, we believe it to be pious and acceptable to God  
in accordance with Christian charity that those in villeinage  
and their heirs and successors, subject and bound in servitude,  
be wholly free.

We therefore that we, moved by piety \* \* \* have manumitted  
and made free, and liberated from every yoke of servitude and

## 177. The Commission of a Justice of the Peace

(1579. Prothero, 144-147. Translated.)

**E**LIZABETH, by the grace of God \* \* \* etc., to our well-beloved and faithful Edmund, archbishop of Canterbury, etc. and also to our well-beloved Thomas Bromley, knight, lord chancellor, and William, Lord Burghley, treasurer, Thomas Wotton, [and others], greeting.

[I.] Know ye that we have assigned you, jointly and severally, to keep our peace, and also the statutes and ordinances made at Winchester, Northampton, and Westminster for the preservation of the same peace; and also the ordinances made there and at Cambridge concerning hunters, labourers, artificers, servants, innkeepers, beggars and vagabonds, and the begging men who call themselves 'travailing men'; and likewise the statutes and ordinances made at Westminster in the first and second years of the reign of King Henry IV, late king of England, concerning the knights, squires and varlets with liveries bearing the signs of a company or with liveries of cloth or any liveries of any kind whatsoever: and a certain other statute of Henry V, late king etc., concerning counterfeiting, washing, clipping, and other falsifying of the money of our land: and to keep and cause to be kept all other ordinances and statutes made for the good of our peace and the quiet rule and government of our people, in our county of Kent, as well within the liberties as without, according to the force, form, and effect of the same: and to chastise and punish all those found offending against the form of the aforesaid ordinances and statutes, as according to the form of the aforesaid ordinances and statutes ought to be done: and to cause to come before you all those persons who shall threaten any of our people in their persons, or in burning their houses, to find sufficient security to keep the peace and to be of good behaviour towards us and our people, and if they shall refuse to find such security, then to cause them to be kept safe in our prisons until they shall find such security.

[II.] We have also assigned you and every one of you our justices to inquire by the oath of good and lawful men of the county aforesaid, through whom the truth may be better known, of all manner of felonies, trespasses, forestallings, regratings, and extortions in the aforesaid county by whomsoever and howsoever done: and also of all those who have either gone or ridden in



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s with armed force against our peace to the disturbance  
ple : and also of those who have lain in wait to wound  
our people ; and also of all those who have used head  
and other liveries of a single company, by agreement  
tenance, against the prohibition and form of the afore-  
tes and ordinances made before these times, and of others  
h liveries in the future : and also of inn-keepers and  
o have offended or have attempted to offend in the abuse  
s and measures and in the sale of victuals ; and also of  
rers, beggars, artificers, servants, inn-keepers, and vaga-  
d others who have offended or attempted to offend in  
ounty against the form of the ordinances and statutes  
made concerning hunters, labourers [etc.] : and also of  
riffs, mayors, bailiffs, stewards, constables, and gaolers  
e execution of their offices have unlawfully demeaned  
s according to the form of the aforesaid ordinances and  
ade against such artificers [etc.] or have been careless,  
negligent : and of all and singular the articles and cir-  
s and other premises made against the form of the ordi-  
d statutes aforesaid.

And to inspect all indictments whatsoever as well those  
not yet determined before you or any of you, or before  
former guaranties of the peace and justices of Edward

wishing to complain and prosecute in such cases before you on behalf of us and of themselves; and also trespasses and forestallings aforesaid and all other things not formally declared to be determined at our suit only: and to hear and determine all other cases which by virtue of the ordinances and statutes aforesaid ought to be investigated and determined by the guardians of our peace and by our justices; and to chastise and punish those labourers, artificers, and servants for their offences by fines, payments, and amercements and in any other way as it was accustomed to be done before the ordinance made concerning the corporal punishment to be given to such labourers [etc.] for their offences; and sheriffs, mayors, bailiffs, stewards, constables, and gaolers, hunters, victualers, inn-keepers, beggars, and vagabonds according to the form of the ordinances and the statutes aforesaid.

[V.] Provided always that if a case of difficulty in determining such extortions, etc., shall happen to come before you, except it be in the presence of one of our justices of the one or the other bench or of our justices of assize in the county aforesaid, as little progress as possible shall be made in your court towards giving judgment.

[VI.] And therefore we command you and every one of you that you diligently concern yourselves with the keeping of the peace, the ordinances, and the statutes aforesaid; and that at certain days and places which you or any of you shall fix for that purpose, you or any of you shall make diligent inquisitions concerning the premises: and that you shall hear and determine all and singular the premises, and perform and fulfil the same in form aforesaid, doing therein that which to justice appertaineth, according to the law and custom of our realm of England: saving to us the amercements and other things to us thereof belonging.

[VII.] And we have commanded our sheriff of Kent that at certain days and places which you or any of you shall make known to him, he shall cause to come before you or any of you such and as many good and lawful men of his bailiwick (as well within the liberties as without) through whom the truth in the premises may be the better known and investigated.

[VIII.] And you the abovementioned Thomas Wotton, shall cause to be brought before you and your said fellows at the said days and places, the writs, precepts, processes, and indictments aforesaid, and you shall inspect them and by a due course determine, as aforesaid.

In witness whereof, &c. Given the sixth day of August, in the twenty-first year of our reign.

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### The Oath of a Justice of the Peace

(1581. Prothero, 149, 150.)

shall swear that, as justice of the peace in the county of  
ent, in all articles in the Queen's Commission to you  
ye shall do equal right to the poor and to the rich after  
ning, wit and power, and after the laws and customs of  
n and statutes thereof made; and ye shall not be of  
with any quarrel hanging before you; and that ye hold  
ssions after the form of statutes thereof made and the  
nes and amercements that shall happen to be made and  
tures which shall fall before you ye shall cause to be en-  
thout any concealment or embezzling and truly send  
the Queen's exchequer. Ye shall not let for gift or  
ise, but well and truly ye shall do your office of justice  
eace in that behalf, and that you take nothing for your  
justice of the peace to be done, but of the Queen, and  
stomed and costs limited by the statute; and ye shall  
ct nor cause to be directed any warrant (by you to be  
o the parties, but ye shall direct them to the bailiffs of  
county, or other the Queen's officers or ministers of

Fifthly, That it should be entered in the very journal-book of the House that the said first election was approved to be good, and the said knights then chosen had been received and allowed as members of the House, not out of any respect the said House had or gave to the resolution of the Lord Chancellor and Judges therein passed, but merely by reason of the resolution of the House itself, by which the said election had been approved.

Sixthly and lastly, That there should no message be sent to the Lord Chancellor, not so much as to know what he had done therein, because it was conceived to be a matter derogatory to the power and privilege of the said House.

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## 180. The Queen's Message with Regard to Monopolies

(1601. November 25. Message brought to the House of Commons by the Speaker. Prothero, 116, 117.)

[I]T pleased her Majesty to command me to attend upon her yesterday in the afternoon, from whom I am to deliver unto you all her Majesty's most gracious message, sent by my unworthy self. \* \* \* It pleased her Majesty to say unto me, That if she had an hundred tongues she could not express our hearty good-wills. And further she said, That as she had ever held our good most dear, so the last day of our or her life should witness it; and that if the least of her subjects were grieved, and herself not touched, she appealed to the throne of Almighty God, how careful she hath been, and will be, to defend her people from all oppressions. She said, That partly by intimation of her council, and partly by divers petitions that have been delivered unto her both going to chapel and also walking abroad, she understood that divers patents, that she had granted, were grievous to her subjects; and that the substitutes of the patentees had used great oppression. But, she said, she never assented to grant anything which was *malum in se*. And if in the abuse of her grant there be anything evil, which she took knowledge there was, she herself would take present order of reformation thereof. I cannot express unto you the apparent indignation of her Majesty towards these abuses. She said her kingly prerogative was tender; and therefore desireth us not to speak or doubt of her careful reformation; for, she said, her commandment given

## English Constitutional Documents

before the late troubles (meaning the Earl of Essex's misadventure) the unfortunate event of them was not so hindered, but she at that time, even in the midst of her most great and dangerous occasions, she thought upon them. And that this should be done, but that further order should be taken presently, and that some should be presently repealed, some should be put in execution but such as should first be repealed according to the law for the good of the people. The abuses her wrath was so incensed, that she said, that she could nor would suffer such to escape with impunity. The unspeakable comfort she hath made me the messenger of her gracious thankfulness and care.

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## Act of Recognition of the King's Title

(1604. 1 James I, c. 1. Prothero, 250, 251.)

And manifold were the benefits, most dread and most glorious Sovereign, wherewith Almighty God blessed this kingdom by the happy union and conjunction of the two noble

## Commission for Negotiating Union with Scotland 327

affection), it may be published and declared in this High Court of Parliament, and enacted by authority of the same, That we (being bounden thereunto both by the laws of God and man) do recognize and acknowledge (and thereby express our unspeakable joys) that immediately upon the dissolution and decease of Elizabeth, late Queen of England, the imperial crown of the realm of England, and of all the kingdoms, dominions and rights belonging to the same, did, by inherent birthright and lawful and undoubted succession, descend and come to your most excellent Majesty, as being lineally, justly and lawfully next and sole heir of the blood royal of this realm as is aforesaid; and that by the goodness of God Almighty and lawful right of descent, under one imperial crown, your Majesty is of the realms and kingdoms of England, Scotland, France and Ireland, the most potent and mighty King \* \* \*

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### 182. Commission for Negotiating a Union with Scotland

(1604. 1 James I. c. 2. Prothero, 251, 252.)

**W**HEREAS his most excellent Majesty hath been pleased, out of his great wisdom and judgment, not only to represent unto us by his own prudent and princely speech on the first day of this Parliament, how much he desired, in regard of his inward and gracious affection to both the famous and ancient realms of England and Scotland, now united in allegiance and loyal subjection in his royal person to his Majesty and his posterities for ever, that by a speedy, mature and sound deliberation such a further union might follow, as should make perfect that mutual love and uniformity of manners and customs which Almighty God in his providence for the strength and safety of both realms hath already so far begun in apparent sight of all the world, but also hath vouchsafed to express many ways how far it is and ever shall be from his royal and sincere care and affection to the subjects of England to alter and innovate the fundamental and ancient laws, privileges and good customs of this kingdom, whereby not only his regal authority but the people's security \* \* \* are preserved \* \* \* : forasmuch as his Majesty's humble, faithful and loving subjects have not only conceived the weight of his Majesty's reasons, but apprehend to their unspeakable joy and comfort his plain \* \* \* intention to seek no other changes, but of such particular, temporary or indifferent man-

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statutes and customs as may both prevent and extinguish  
questions or unhappy accidents, by which the \* \* \*  
and quietness between the subjects of both the realms  
may be completed and confirmed, and also accomplish  
and effectual union already inherent in his Majesty's royal  
person \* \* \*: be it therefore enacted by the King's  
Illent Majesty, by and with the assent and consent of the  
Spiritual and Temporal and the Commons in this present  
assembly, and by authority of the same, That Thomas,  
here, Lord Chancellor of England [and 43 others named],  
others selected and nominated by authority of this pres-  
entment, or any eight or more of the said lords of the said  
house and any twenty or more of the said knights, citizens  
and burgesses of the said house of the commons, shall \* \* \* have  
power \* \* \* before the next session of this Parliament,  
to treat and consult with certain selected commissioners  
appointed and authorized by authority of Parliament of the  
Scotland \* \* \* concerning such an union of the said  
England and Scotland \* \* \*, which commissioners of  
the said realms shall \* \* \* reduce their doings and proceed-  
ings into writings or instruments, \* \* \* that thereupon  
no proceedings may be had as by both the said parlia-  
ments be thought fit and necessary for the weal and common

freedom accustomed and due to the Commons of your Highness' parliament, who have ever used to enjoy the freedom of coming to and returning from the parliament and sitting there without restraint or molestation, and it concerneth your Commons greatly to have this freedom and privilege inviolably observed ; yet, to the end that no person be prejudiced or damnified hereby, May it please your Highness by the assent of the Lords spiritual and temporal and Commons in this present parliament assembled, and by the authority of the same, it may be ordained and enacted, That the said sheriff of London, the now warden of the Fleet, and all others that have had the said Thomas in custody since the said first arrest \* \* \* may not nor shall in any wise be hurt, endamaged or grieved because of dismissing at large the said Thomas Shirley : saving always to the said Giles Simpson and other the persons before said, at whose suit the said Thomas is detained in prison, their executions and suits at all times after the end of this present session of parliament to be taken out and prosecuted as if the said Thomas had never been arrested or taken in execution, and as if such actions had never been brought or sued against him ; saving also to your Majesty's said Commons called now to this your parliament, and their successors, their whole liberties, franchises and privileges in all ample form and manner, as your Highness' said Commons at any time before this day have had, used and enjoyed and ought to have, use and enjoy, this present act and petition in any wise notwithstanding.

#### 184. Opinions of the Court of Exchequer in Bates' Case

(1606. 11 State Trials, 30-32. Prothero, 340-342.)

[*Baron Clarke*] \* \* \* It seemeth to me strange that any subjects would contend with the King in this high point of prerogative ; but such is the King's grace that he has showed his intent to be, that this matter shall be disputed and adjudged by us according to the ancient law and custom of the realm. \* \* \* As it is not a kingdom without subjects and government, so he is not a king without revenues. \* \* \* The revenue of the crown is the very essential part of the crown, and he who rendeth that from the King pulleth also his crown from his head, for it cannot be separated from the crown. And such great prerogatives of the crown,



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which it cannot be, ought not to be disputed; and in these prerogative the judgment shall not be according to the common law, but according to the precedents of this reign these matters are disputable and determinable. \* \* \*

It is that the weal of the King is the public weal of the land he for his pleasure may afforest the wood of any subject he thereby shall be subject to the law of the forest; and make the provision of any man by his purveyor for his own use at reasonable prices and without abuse, the abuse of which hath been restrained by divers statutes; and the King may take wines for his provision, and also timber for his castles or houses in the wood of any man, and this is for the benefit: and the King may alloy or enhance coin at his pleasure for the plenty of the king is the people's peace. \* \* \*

Statute of the 45 Edw. III, Cap. 4, which hath been so amended, that no new imposition shall be imposed upon wool or leather but only the custom and subsidy granted to the King — this extends only to the King himself and shall not bind his successors, for it is a principal part of the Crown of England the King cannot diminish. And the same King, in the 5th year of his reign, granted divers exemptions to certain persons, because that it was in derogation of his state imperial, he himself annulled the same. \* \* \*

is not that which is converted or executed to private use, to the benefit of any particular person, but is only that which is applied to the general benefit of the people, and is *salus populi*; as the people is the body, and the King the head; and this power is [not] guided by the rules which direct only at the common law, and is most properly named policy and government; and as the constitution of this body varieth with the time, so varieth this absolute law, according to the wisdom of the King, for the common good; and these being general rules, and true as they are, all things done within these rules are lawful. The matter in question is material matter of state, and ought to be ruled by the rules of policy, and if it be so, the King hath done well to execute his extraordinary power.

All customs, be they old or new, are no other but the effects and issues of trades and commerce with foreign nations; but all commerce and affairs with foreigners, all wars and peace, all acceptance and admitting for current foreign coin, all parties and treaties whatsoever are made by the absolute power of the King: and he who hath power of causes hath power also of effects. \* \* \*

It is said that an imposition may not be upon a subject without parliament. That the King may impose upon a subject, I omit, for it is not here the question if the King may impose upon the subject or his goods. But the impost here is not upon a subject, but here it is upon Bates, as upon a merchant who imports goods within the land, charged before by the King; and at the time when the impost was imposed upon them, they were the goods of the Venetians and not the goods of a subject, nor within the land; \* \* \* and so all the arguments which were made for the subject fail. \* \* \*

And whereas it is said, that if the King may impose, he may impose any quantity that he pleases, true it is that this is to be referred to the wisdom of the King, who guideth all under God by his wisdom, and this is not to be disputed by a subject; and many things are left to his wisdom for the ordering of his power rather than his power shall be restrained. The King may pardon any felon: but it may be objected that if he pardoned one felon, he may pardon all, to the damage of the commonwealth; and yet none will doubt but that is left to his wisdom. \* \* \* And the wisdom and providence of the King is not to be disputed by the subject; for by intendment they cannot be severed from his person, and to argue a *posse ad actum*, to restrain the King and his power because that by his power he may do ill, is no argument for a subject. \* \* \*

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### 185. The Case of Prohibitions

(1607. 12 Coke's Reports, 63.)

... upon Sunday the 10th of November in this same term, the king, upon complaint made to him by Bancroft, archbishop of Canterbury, concerning prohibitions, the king was informed that when the question was made of what matters the spiritual judges have cognizance, either upon the exposition of statutes concerning tithes, or any other thing ecclesiastical, the statute 1 Ed. concerning the high commission, or in any case in which there is not express authority in law, the king himself may decide it in his royal person; and that the judges are but the delegates of the king, and that the king may determine what causes he shall please to determine, from the determination of the judges, and may determine them himself. And the bishop said, that this was clear in divinity, that such jurisdiction belongs to the king by the word of God in the Scripture. It was answered by me, in the presence, and with the consent of all the judges of England, and barons of the court, that the king in his own person cannot adjudge any cause, as himself, lord, &c. or between himself and

And it appears by the act of parliament of 2 Ed. 3. cap. 9. [2 Ed. 3. cap. 1.] that neither by the great seal, nor by the little seal, justice shall be delayed ; *ergo*, the king cannot take any cause out of any of his courts, and give judgment upon it himself, but in his own cause he may stay it, as it doth appear 11 H. 4. 8. And the judges informed the king, that no king after the conquest assumed to himself to give any judgment in any cause whatsoever, which concerned the administration of justice within this realm, but these were solely determined in the courts of justice : and the king cannot arrest any man, as the book is in 1 H. 7. 4. for the party cannot have remedy against the king ; so if the king give any judgment, what remedy can the party have. *Vide* 39 Ed. 3. 14. one who had a judgment reversed before the council of state ; it was held utterly void, for that it was not a place where judgment may be reversed. *Vide* 1 H. 7. 4. Hussey, chief justice, who was attorney to Ed. 4., reports that Sir John Markham, chief justice, said to King Ed. 4. that the king cannot arrest a man for suspicion of treason or felony, as others of his lieges may ; for that if it be a wrong to the party grieved, he can have no remedy : and it was greatly marvelled that the archbishop durst inform the king, that such absolute power and authority, as is aforesaid, belonged to the king by the word of God. *Vide* 4 H. 4. cap. 22. which being translated into Latin, the effect is, *judicia in curia regis reddita non nihil annihilentur, sed stet judicium in suo robore quousque per judicium curiæ regis tanquam erroneum, &c. Vide West. 2. cap. 5. Vide le stat. de Marlbridge, cap. 1. Provisum est, concordatum, et concessum, quod tam majores quam minores justitiam habeant et recipiant in curia domini regis. Et vide le stat. de Magna Charta, cap. 29. 25 Ed. 3. cap. 5.* None may be taken by petition or suggestion made to our lord the king or his council, unless by judgment : and 43 Edw. 3. cap. 3. no man shall be put to answer without presentment before the justices, matter of record, or by due process, or by writ original, according to the ancient law of the land : and if anything be done against it, it shall be void in law and held for error. *Vide* 28 Edw. 3. c. 3. 37 Edw. 3. cap. 18. *Vide* 17 R. 2. *ex rotulis parlamenti in Turri, art. 10.* A controversy of land between parties was heard by the king, and sentence given, which was repealed for this, that it did belong to the common law : then the king said, that he thought the law was founded upon reason, and that he and others had reason, as well as the judges : to which it was answered by me, that true it was, that God had endowed his Majesty with excellent science, and great endowments of nature ; but his Majesty was not learned in

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of his realm of England, and causes which concern the inheritance, or goods, or fortunes of his subjects, are not guided by natural reason but by the artificial reason and act of law, which law is an act which requires long study and experience, before that a man can attain to the cognizance of it: the law was the golden met-wand and measure to try the right of the subjects; and which protected his Majesty in safety and peace: with which the king was greatly offended, and said, that he should be under the law, which was treason to affirm, as I said, to whom I said, that Bracton saith, *quod rex non debet sub homine, sed sub Deo et lege.*

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### Judgment in the Case of the Post-nati, or Calvin's Case

Judgment of Lord Chancellor Ellesmere. 11 State Trials, 106.  
(Prothero, 446.)

THUS I have here delivered my concurrence in opinion with my lords the judges, and the reasons that induce my conscience that Edw. Calvin, and all the post-nati

and his judges, and then he will do right to them. To which I answered, that these questions were of great importance. 2. That they concerned the answer of the king to the body, *viz.* to the commons of the house of parliament. 3. That I did not hear of these questions until this morning at nine of the clock: for the grievances were preferred, and the answer made when I was in my circuit. And, lastly, both the proclamations, which now were showed, were promulgated, *anno 5 Jac.*, after my time of attorneyship: and for these reasons I did humble desire them that I might have conference with my brethren the judges about the answer of the king, and then to make an advised answer according to law and reason. To which the lord chancellor said, that every precedent had first a commencement, and that he would advise the judges to maintain the power and prerogative of the king; and in cases in which there is no authority and precedent, to leave it to the king to order in it, according to his wisdom, and for the good of his subjects, or otherwise the king would be no more than the duke of Venice: and that the king was so much restrained in his prerogative, that it was to be feared the bonds would be broken: and the lord privy seal said, that the physician was not always bound to a precedent, but to apply his medicine according to the quality of the disease: and all concluded that it should be necessary at that time to confirm the king's prerogative with our opinions, although that there were not any former precedent or authority in law: for every precedent ought to have a commencement.

To which I answered, that true it is that every precedent hath a commencement; but when authority and precedent is wanting, there is need of great consideration, before that anything of novelty shall be established, and to provide that this be not against the law of the land: for I said, that the king cannot change any part of the common law, nor create any offence by his proclamation, which was not an offence before, without parliament. But at this time I only desired to have a time of consideration and conference with my brothers, for *deliberandum est diu, quod statuendum est semel*; to which the solicitor said, that divers sentences were given in the star chamber upon the proclamation against building; and that I myself had given sentence in divers cases for the said proclamation: to which I answered, that precedents were to be seen, and consideration to be had of this upon conference with my brethren, for that *melius est recurrere, quam male currere*; and that indictments conclude, *contra leges et statuta*; but I never heard an indictment to conclude, *contra regiam proclamationem*.

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by motion was allowed; and the lords appointed the two justices, chief baron, and baron Altham, to have considera-

the king by his proclamation or other ways cannot change of the common law, or statute law, or the customs of the 1 Hen. 4. 37. Fortescue *De laudibus Angliæ legum*, 18 Edw. 3. 35, 36, &c. 31 Hen. 8. cap. 8. *hic infra*: king cannot create any offence by his prohibition or proclamation, which was not an offence before, for that was to change and to make an offence which was not; for *ubi non est in est transgressio: ergo*, that which cannot be punished by proclamation, cannot be punished with it. *Vide le stat.* 8. cap. 8. which act gives more power to the king than before, and yet there it is declared that proclamations shall not change the law, statutes, or customs of the realm, or impeach his inheritance, goods, body, life, &c. But if a man shall be punished for a contempt against a proclamation, he shall be fined and imprisoned, and so impeached in his body and goods. *Vide* 1 Hen. 8. cap. 9, 18, 34, 36, 37, &c. anything which is punishable by the law, by fine, and imprisonment, if the king prohibit it by his proclamation, before that he punish it, and so warn his subjects of the peril of it, there it after, this is the circumstance aggravates the offence;

8 Hen. 4. Proclamation in London. But 9 Hen. 4. an act of parliament was made, that all the Irish people should depart the realm, and go into Ireland before the feast of the Nativity of the Blessed Lady, upon pain of death, which was absolutely *in terrorem*, and was utterly against the law.

\* \* \* \* \*

In the same term it was resolved by the two chief justices, chief baron and baron Altham, upon conference betwixt the lords of the privy council and them, that the king by his proclamation cannot create any offence which was not an offence before, for then he may alter the law of the land by his proclamation in a high point; for if he may create an offence where none is, upon that ensues fine and imprisonment: also the law of England is divided into three parts, common law, statute law, and custom; but the king's proclamation is none of them: also *malum aut est malum in se, aut prohibitum*, that which is against common law is *malum in se*, *malum prohibitum* is such an offence as is prohibited by act of parliament, and not by proclamation.

Also it was resolved, that the king hath no prerogative, but that which the law of the land allows him.

Lastly, if the offence be not punishable in the star-chamber, the prohibition of it by proclamation cannot make it punishable there: and after this resolution, no proclamation imposing fine and imprisonment was afterwards made, &c.



## 188. Act against Monopolies

(1624. 21 & 22 James I. c. 3. Prothero, 275-277.)

FORASMUCH as your most excellent Majesty, in your royal judgment and of your blessed disposition to the weal and quiet of your subjects, did in the year of our Lord God, 1610, publish in print to the whole realm and to all posterity, that all grants of monopolies, and of the benefit of any penal laws, or of power to dispense with the law, or to compound for the forfeiture, are contrary to your Majesty's laws; which your Majesty's declaration is truly consonant and agreeable to the ancient and fundamental laws of this your realm: and whereas your Majesty was further graciously pleased expressly to command, that no suitor should presume to move your Majesty for matters of that nature; yet nevertheless, upon misinformations and untrue pre-



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of public good, many such grants have been unduly and unlawfully put in execution, to the great grievance and inconvenience of your Majesty's subjects, contrary to the laws of your realm and contrary to your Majesty's royal and proclamation so published as aforesaid: for avoiding whereof in the future of the like in time to come, may it please your Majesty \* \* \* that it may be declared and enacted, and so declared and enacted \* \* \* that all monopolies and all licences, grants, licences, charters and letters patents \* \* \* of any person, bodies politic or corporate, whatsoever, for the sole buying, selling, making, working or using of anything within the realm or the dominion of Wales, or of any other monopolies, shall not be made, nor shall any person be allowed to dispense with any others, or to give licence or tolerance to do anything against the tenor of any law or statute, or to make any warrant for any such dispensation, licence or tolerance, \* \* \* or to agree or compound with any others for any such forfeitures limited by any statute, or of any grant or of the benefit of any forfeiture, penalty or sum of money to be due by any statute, before judgment thereupon had, nor shall any proclamations, inhibitions, restraints, warrants of assistance, or other things whatsoever, any way tending to the instituting or intencening of the same \* \* \*, are altogether contrary to the laws of this realm, and have been and shall be utterly void.

VI. Provided also, and be it enacted, that any declaration beforementioned shall not extend to any letters patents and grants of privilege for the term of fourteen years or under, hereafter to be made, of the sole working or making of any manner of new manufactures within this realm, to the true and first inventor and inventors of such manufactures \* \* \*

IX. Provided also, \* \* \* that this Act \* \* \* shall not in any wise extend or be prejudicial unto the city of London or to any city, borough or town corporate within this realm, for any grants, charters or letters patents to them \* \* \* granted, or for any customs used by or within any of them, or unto any corporations, companies or fellowships of any art, trade, occupation or mystery, or to any companies or societies of merchants within this realm erected for the maintenance \* \* \* of any trade of merchandise . . .

X.-XIV. [Various special exemptions.]

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## 189. The Petition of Right

(1628, June 7. 3 Charles I. c. 1. 5 S. R. 23. Gardiner, 66-70.)

To the King's Most Excellent Majesty.

**H**UMBLY show unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that whereas it is declared and enacted by a statute made in the time of the reign of King Edward the First, commonly called *Statutum de tallagio non concedendo*, that no tallage or aid shall be laid or levied by the King or his heirs in this realm, without the good will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other the freemen of the commonalty of this realm: and by authority of Parliament holden in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, that from thenceforth no person shall be compelled to make any loans to the King against his will, because such loans were against reason and the franchise of the land; and by other laws of this realm it is provided, that none should be charged by any charge or imposition, called a Benevolence, nor by such like charge: by which, the statutes before-mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute

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tax, tallage, aid, or other like charge, not set by common  
in Parliament :

yet nevertheless, of late divers commissions directed to  
Commissioners in several counties, with instructions, have  
by means whereof your people have been in divers places  
summed, and required to lend certain sums of money unto your  
Majesty, and many of them upon their refusal so to do, have had  
warrants administered unto them, not warrantable by the laws or stat-  
utes of this realm, and have been constrained to become bound to  
your Majesty, and give attendance before your Privy Council,  
in other places, and others of them have been therefore im-  
prisoned, confined, and sundry other ways molested and disquieted :  
and other charges have been laid and levied upon your peo-  
ple in several counties, by Lords Lieutenants, Deputy Lieutenants,  
Commissioners for Musters, Justices of Peace and others, by com-  
mand in direct direction from your Majesty or your Privy Council,  
contrary to the laws and free customs of this realm.

And where also by the statute called, 'The Great Charter  
of the Liberties of England,' it is declared and enacted, that no free-  
man be taken or imprisoned or be disseised of his freehold  
or liberties, or his free customs, or be outlawed or exiled, or in any  
manner destroyed, but by the lawful judgment of his peers, or by  
the law of the land.

the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people.

VII. And whereas also by authority of Parliament, in the 25th year of the reign of King Edward the Third, it is declared and enacted, that no man shall be forejudged of life or limb against the form of the Great Charter, and the law of the land; and by the said Great Charter and other the laws and statutes of this your realm, no man ought to be adjudged to death, but by the laws established in this your realm, either by the customs of the same realm or by Acts of Parliament: and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm; nevertheless of late divers commissions under your Majesty's Great Seal have issued forth, by which certain persons have been assigned and appointed Commissioners with power and authority to proceed within the land, according to the justice of martial law against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanour whatsoever, and by such summary course and order, as is agreeable to martial law, and is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death, according to the law martial:

VIII. By pretext whereof, some of your Majesty's subjects have been by some of the said Commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been, adjudged and executed:

IX. And also sundry grievous offenders by colour thereof, claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused, or forborne to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid; which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

X. They do therefore humbly pray your Most Excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common con-

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Act of Parliament; and that none be called to make or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for execution hereof; and that no freeman, in any such manner as is before mentioned, be imprisoned or detained, and that your Majesty will be pleased to remove the said soldiers and mariners, your people may not be so burdened in time to come, the aforesaid commissions for proceeding by martial law, be revoked and annulled; and that hereafter no commissions in that behalf to be made, under the great seal of Great Britain, or the signet of any of the said Councils, or under the signet of any officer, or any other authority, may issue forth to any person or persons whatsoever, to execute as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed or put to death, contrary to the franchise of the land.

All which they most humbly pray of your Most Excellent Majesty, that you will be pleased to declare your royal will and pleasure, that your subjects may have as their rights and liberties according to the laws and customs of this realm: and that your Majesty would also vouchsafe to declare, that the awards, doings, and proceedings to the prejudice of your people, in any of the premises, shall not be hereafter into consequence or example: and that your Majesty would be also graciously pleased, for the further comfort and satisfaction of your people, to declare your royal will and pleasure, that the things aforesaid all your officers and ministers shall

## 190. The Remonstrance against Tonnage and Poundage

(1628, June 25. Rushworth, i. 628. Gardiner, 70-73.)

**M**OST Gracious Sovereign, your Majesty's most loyal and dutiful subjects, the Commons in this present Parliament assembled, being in nothing more careful than of the honour and prosperity of your Majesty, and the kingdom, which they know do much depend upon that happy union and relation betwixt your Majesty and your people, do with much sorrow apprehend, that by reason of the incertainty of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your Majesty hath determined to end this Session, they cannot bring to maturity and perfection divers businesses of weight, which they have taken into their consideration and resolution, as most important for the common good : amongst other things they have taken into especial care the preparing of a Bill ~~for the granting of your Majesty such a subsidy of 'Tonnage and Poundage, as might uphold your profit and revenue in as~~ ample a manner as their just care and respect of trade (wherein not only the prosperity, but even the life of the kingdom doth consist) would permit : but being a work which will require much time, and preparation by conference with your Majesty's officers, and with the merchants, not only of London, but of other remote parts, they find it not possible to be accomplished at this time : wherefore considering it will be much more prejudicial to the right of the subject, if your Majesty should continue to receive the same without authority of law, after the determination of a Session, than if there had been a recess by adjournment only, in which case that intended grant would have related to the first day of the Parliament ; and assuring themselves that your Majesty is resolved to observe that your royal answer, which you have lately made to the Petition of Right of both Houses of Parliament ; yet doubting lest your Majesty may be misinformed concerning this particular case, as if you might continue to take those subsidies of Tonnage and Poundage, and other impositions upon merchants, without breaking that answer, they are forced by that duty which they owe to your Majesty, and to those whom they represent, to declare, ~~that~~ there ought not any imposition to be laid upon the goods of merchants, exported or imported, without common consent by Act of Parliament, which is the right and inheritance of your subjects,

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not only upon the most ancient and original constitution of the Kingdom, but often confirmed and declared in divers Acts.

For the better manifestation thereof, may it please your Majesty to understand, that although your royal predecessors the Kings of this realm have often had such subsidies, and imposed them upon divers occasions, especially for the defence of the seas, and safeguard of merchants; yet the said Kings have been ever careful to use such cautions and limitations in such grants, as might prevent any claim to be made, that such subsidies should proceed from duty, and not from the free gift of the Commons; and that they have heretofore used to limit a time in which such subsidies should continue, as for a year or two, and if they were continued longer, they have sometimes directed a time of cessation, or intermission, that so the right of the Commons might be more evident. At other times it hath been directed, that on occasion of war, for a certain number of years, with which such subsidies should continue, that if the war were ended in the meantime, then the subsidies should cease; and of course it hath been sequestered into the hands of some subjects to be employed for the guarding of the Kingdom. And it is acknowledged by the ordinary answers of your royal predecessors in their assent to the Bills of subsidies of Tonnage and Poundage, that it is of the nature of other subsidies, that it is not to be continued beyond the term of years.

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to yield unto. Nevertheless, your loyal Commons in this Parliament, out of their especial zeal to your service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a grant of subsidy of Tonnage or Poundage to your Majesty, that both you might have been the better enabled for the defence of your realm, and your subjects, by being secure from all undue charges, be the more encouraged cheerfully to proceed in their course of trade; by the increase whereof your Majesty's profit, and likewise the strength of the kingdom would be very much augmented.

III. But not now being able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty, both to your Majesty and their country, save only to make this humble declaration, 'That the receiving of Tonnage and Poundage, and other impositions not granted by Parliament, is a breach of the fundamental liberties of this kingdom, and contrary to your Majesty's royal answer to the said Petition of Right.' And therefore they do most humbly beseech your Majesty to forbear any further receiving of the same, and not to take it in ill part from those of your Majesty's loving subjects, who shall refuse to make payment of any such charges, without warrant of law demanded.

IV. And as by this forbearance, your Most Excellent Majesty shall manifest unto the world your royal justice in the observation of your laws: so they doubt not, but hereafter, at the time appointed for their coming again, they shall have occasion to express their great desire to advance your Majesty's honour and profit.

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## 191. The King's Speech proroguing Parliament

(1628, June 26. Rushworth, i. 631. Gardiner, 73, 74.)

IT may seem strange, that I came so suddenly to end this Session; before I give my assent to the Bills, I will tell you the cause, though I must avow, that I owe the account of my actions to God alone. It is known to every one, that a while ago the House of Commons gave me a Remonstrance, how acceptable every man may judge; and for the merit of it, I will not call that in question, for I am sure no wise man can justify it.

Now since I am truly informed, that a second Remonstrance is preparing for me to take away the profit of my Tonnage and



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e, one of the chiefest maintenances of my Crown, by  
I have given away my right thereto by my answer to  
tion :

so prejudicial unto me, that I am forced to end this Ses-  
e few hours before I meant, being not willing to receive  
Remonstrances, to which I must give a harsh answer.  
e I see that even the House of Commons begins already  
false constructions of what I granted in your Petition, lest  
se interpreted in the country, I will now make a declara-  
erning the true intent thereof :

profession of both Houses in the time of hammering this  
was no ways to trench upon my Prerogative, saying they  
her intention or power to hurt it. Therefore it must  
conceived that I have granted no new, but only con-  
e ancient liberties of my subjects : yet to show the clear-  
ny intentions, that I neither repent, nor mean to recede  
thing I have promised you, I do here declare myself, that  
ngs which have been done, whereby many have had some  
expect the liberties of the subjects to be trenched upon,  
indeed was the first and true ground of the Petition, —  
hereafter be drawn into example for your prejudice, and  
e to time ; in the word of a king, ye shall not have the  
e to complain : but as for Tonnage and Poundage, it is a  
not want, and was never intended by you to ask, nor

2. Whosoever shall counsel or advise the taking and levying of the subsidies of Tonnage and Poundage, not being granted by Parliament, or shall be an actor or instrument therein, shall be likewise reputed an innovator in the Government, and a capital enemy to the Kingdom and Commonwealth.

3. If any merchant or person whatsoever shall voluntarily yield, or pay the said subsidies of Tonnage and Poundage, not being granted by Parliament, he shall likewise be reputed a betrayer of the liberties of England, and an enemy to the same.

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### 193. First Writ of Ship-money

(1634. Rushworth, ii. 257. Gardiner, 105-108.)

CAROLUS REX, &c.

To the Mayor, commonalty, and citizens of our city of London, and to the sheriffs of the same city, and good men in the said city and in the liberties, and members of the same, greeting: Because we are given to understand that certain thieves, pirates, and robbers of the sea, as well Turks, enemies of the Christian name, as others, being gathered together, wickedly taking by force and spoiling the ships, and goods, and merchandises, not only of our subjects, but also the subjects of our friends in the sea, which hath been accustomed anciently to be defended by the English nation, and the same, at their pleasure, have carried away, delivering the men in the same into miserable captivity: and forasmuch as we see them daily preparing all manner of shipping farther to molest our merchants, and to grieve the kingdom, unless remedy be not sooner applied, and their endeavours be not more manly met withal; also the dangers considered which, on every side, in these times of war do hang over our heads, that it behoveth us and our subjects to hasten the defence of the sea and kingdom with all expedition or speed that we can; we willing by the help of God chiefly to provide for the defence of the kingdom, safeguard of the sea, security of our subjects, safe conduct of ships and merchandises to our kingdom of England coming, and from the same kingdom to foreign parts passing; forasmuch as we, and our progenitors, Kings of England, have been always heretofore masters of the aforesaid sea, and it would be very irksome unto us if that princely honour in our times should be lost or in anything diminished. And although that charge of defence which concerneth

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ought to be supported by all, as by the laws and customs of the kingdom of England hath been accustomed to be done: understanding we considering that you constituted in the sea to whom by sea as well great dangers are imminent, and the same do get more plentiful gains for the defence of and conservation of our princely honour in that behalf, to the duty of your allegiance against such attempts, are bound to set to your helping hand; we command firmly, you the aforesaid Mayor, commonalty and citizens, and of the said city, and the good men in the same city and in the counties, and members of the same, in the faith and allegiance you are bound unto us, and as you do love us and our crown, and under the forfeiture of all which you can forfeit to us, to cause to be prepared and brought to the port of Portsmouth before the first day of March now next ensuing, one ship of the burden of nine hundred tons, with three hundred and at the least, as well expert masters, as very able and skilful men, one other ship of war of the burden of eight hundred tons, with two hundred and sixty men at the least, as well skilful as very able and expert mariners. four other ships of war of the burden of five hundred tons, and every one with two hundred men at the least, as well expert masters, as very able and skilful mariners, and one other ship of war of

or more of you, within thirteen days after the receipt of this writ, to assess all men in the said city, and in the liberties, and members of the same, and the landholders in the same, not having a ship, or any part of the aforesaid ships, nor serving in the same, to contribute to the expenses, about the necessary provision of the premises; and to assess and lay upon the aforesaid city, with the liberties and members thereof, viz. upon every of them according to their estate and substances, and the portion assessed upon them; and to nominate and appoint collectors in this behalf. Also we have assigned you, the aforesaid Mayor, and also the Sheriffs of the city aforesaid, to levy the portions so as aforesaid assessed upon the aforesaid men and landholders, and every of them in the aforesaid city, with the liberties and members of the same, by distress and other due means; and to commit to prison all those whom you shall find rebellious and contrary in the premises, there to remain until we shall give further order for their delivery. And moreover we command you, that about the premises you diligently attend, and do, and execute those things with effect, upon peril that shall fall thereon: but we will not, that under colour of our aforesaid command, more should be levied of the said men than shall suffice for the necessary expenses of the premises; or that any who have levied money for contribution to raise the aforesaid charges, should by him detain the same, or any part thereof; or should presume, by any manner of colour, to appropriate the same to other uses; willing, that if more than may be sufficient shall be collected, the same may be paid out among the contributors, for the rate of the part to them belonging.

Witness myself, at Westminster the twentieth day of October, in the tenth year of our reign.<sup>1</sup>

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## 194. The Answer of the Judges in the Matter of Ship-money

(1637, February 7. Rushworth, ii. 355. Gardiner, 108, 109.)

CAROLUS REX

When the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, whether may not the King, by writ under the Great Seal of England, command all the subjects of our kingdom at their charge to provide and furnish

<sup>1</sup> In 1635 the writs were extended to the inland counties.

such a number of ships, with men, victuals, and munition, and for such time as we shall think fit, for the defence and safeguard of the kingdom from such danger and peril, and by law compel the doing thereof, in case of refusal or refractoriness : and whether in such a case is not the King the sole judge both of the danger, and when and how the same is to be prevented and avoided ?

May it please your Most Excellent Majesty,

We have, according to your Majesty's command, every man by himself, and all of us together, taken into serious consideration the case and question signed by your Majesty, and inclosed in your royal letter ; and we are of opinion, that when the good and safety of the kingdom in general is concerned, and the kingdom in danger, your Majesty may, by writ under the Great Seal of England, command all your subjects of this your kingdom, at their charge to provide and furnish such a number of ships, with men, victuals, and munition, and for such time as your Majesty shall think fit for the defence and safeguard of this kingdom from such danger and peril : and that by law your Majesty may compel the doing thereof in case of refusal, or refractoriness : and we are also of opinion, that in such case your Majesty is the sole judge both of the danger, and when and how the same is to be prevented and avoided.

John Bramston,  
John Finch,  
Humphry Davenport,  
John Denham,  
Richard Hutton,  
William Jones,

George Croke,  
Thomas Trevor,  
George Vernon,  
Francis Crawley,  
Robert Berkeley,  
Richard Weston.

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## 195. The Triennial Act

(1649, February 15. 16 Charles I. c. 1. 5 S. R. 54. Gardiner, 144-155.)

I. WHEREAS by the laws and statutes of this realm the Parliament ought to be holden at least once every year for the redress of grievances, but the appointment of the time and place for the holding thereof hath always belonged, as it ought, to His Majesty and his royal progenitors : and whereas it is by experience found that the not holding of Parliaments accordingly hath produced sundry and great mischiefs and inconveniences to the King's Majesty, the Church and Commonwealth ; for the prevention of the like mischiefs and inconveniences in time to come :

II. Be it enacted by the King's Most Excellent Majesty, with the consent of the Lords spiritual and temporal, and the Commons in this present Parliament assembled, that the said laws and statutes be from henceforth duly kept and observed ; and your Majesty's loyal and obedient subjects, in this present Parliament now assembled, do humbly pray that it be enacted : and be it enacted accordingly, by the authority of this present Parliament, that in case there be not a Parliament summoned by writ under the Great Seal of England, and assembled and held before the 10th of September, which shall be in the third year next after the last day of the last meeting and sitting in this present Parliament, the beginning of the first year to be accounted from the said last day of the last meeting and sitting in Parliament ; and so from time to time, and at all times hereafter, if there shall not be a Parliament assembled and held before the 10th day of September, which shall be in the third year next after the last day of the last meeting and sitting in Parliament before the time assembled and held ; the beginning of the first year to be accounted from the said last day of the last meeting and sitting in Parliament ; that then in every such case as aforesaid, the Parliament shall assemble and be held in the usual place at Westminster, in such manner, and by such means only, as is hereafter in this present Act declared and enacted, and not otherwise, on the second Monday, which shall be in the month of November, then next ensuing. And in case this present Parliament now assembled and held, or any other Parliament which shall at any time hereafter be assembled and held by writ under the Great Seal of England, or in case any Parliament shall be assembled and held by authority of this present Act ; and such Parliaments, or any of them, shall be prorogued, or adjourned, or continued by prorogation or adjournment, until the 10th day of September, which shall be in the third year next after the last day of the last meeting and sitting in Parliament, to be accounted as aforesaid ; that then in every such case, every such Parliament so prorogued or adjourned, or so continued by prorogation or adjournment, as aforesaid, shall from the said 10th day of September be thenceforth clearly and absolutely dissolved, and the Lord Chancellor of England, the Lord Keeper of the Great Seal of England, and every Commissioner and Commissioners for the keeping of the Great Seal of England for the time being, shall within six days after the said 10th day of September, in every such third year as aforesaid, in due form of law and without any further warrant or direction from His Majesty, his heirs or successors, seal, issue forth, and send abroad several

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pective writs to the several and respective peers of this  
inmanding every such peer that he personally be at the  
ent to be held at Westminster on the second Monday  
all be in November next following the said 10th day of  
er, then and there to treat concerning the high and  
ffairs concerning His Majesty, the state and defence of  
lom and Church of England; and shall also seal and  
th, and send abroad several and respective writs to the  
and respective sheriffs of the several and respective  
cities and boroughs of England and Wales, and to the Con-  
the Castle of Dover, Lord Warden of the Cinque Ports,  
utenant for the time being, and to the Mayor and Bailiffs  
ck upon Tweed, and to all and every other officers and  
to whom writs have used to be directed, for the electing  
nights, citizens, barons and burgesses of and for the said  
, Cities, Cinque Ports and Boroughs of England and Wales  
ely, in the accustomed form, to appear and serve in the  
ent to be held at Westminster on the said second Monday,  
all be in November aforesaid; which said peers, after the  
s received, and which said knights, citizens, barons and bur-  
osen by virtue of the said writs, shall then and there appear  
e in Parliament accordingly. And the said Lord Chan-  
rd Keeper, Commissioner and Commissioners aforesaid,  
ctively take a solemn oath upon the Holy Evangelists

further liable to such punishments as shall be inflicted upon him or them by the next, or any other ensuing Parliament. And in case the said Lord Chancellor, Lord Keeper, Commissioner or Commissioners aforesaid, shall not issue forth the said writs as aforesaid: or in case that the Parliament do not assemble and be held at the time and place before appointed, then the Parliament shall assemble and be held in the usual place at Westminster, in such manner, and by such means only, as is hereafter in this present Act declared and enacted, and not otherwise, on the third Monday which shall be in the month of January then next ensuing. And the peers of this realm shall by virtue of this Act be enabled, and are enjoined to meet in the Old Palace of Westminster, in the usual place there, on the third Monday in the said month of November: and they or any twelve or more of them, then and there assembled, shall on or before the last Monday of November next following the tenth day of September aforesaid, by virtue of this Act, without any warrant, issue out writs in the usual form, in the name of the King's Majesty, his heirs or successors, attested under the hands and seals of twelve or more of the said peers, to the several and respective sheriffs \* \* \* for the electing of the knights, \* \* \* to be and appear at the Parliament at Westminster aforesaid, to be held on the third Monday in January then next following: all and every which writs the Clerks of the Petty Bag, and other clerks, to whom the writing of the writs for summons to the Parliament doth and shall belong, or whom the said Lords, or twelve or more of them shall appoint, shall at the command of the said Lords so assembled, or of any twelve or more of them, make and prepare ready for the signature of the said Lords, or any twelve or more of them, under pain of the loss of their places and offices, and of such other punishment as in the next, or any other ensuing Parliament, shall be inflicted on him or them: and it is enacted that the said writs so issued shall be of the same power and force to all intents and purposes, as the writs or summons to Parliament under the Great Seal of England have ever been or ought to be. And all the messengers of the Chamber or others who shall be appointed by the said lords, or any twelve or more, are hereby required faithfully and speedily to deliver the said writs to every person and persons, sheriffs, officers, and others, to whom the same shall be directed: which if the said messengers or any of them shall fail to perform, they shall forfeit their respective places, and incur such other pains and punishments as by that or any other ensuing Parliament shall be imposed on them.

III. And it is also further enacted, that all and every the peers



of this realm shall make their appearance, and shall assemble on the said third Monday in January, in such manner, and to such effect, and with such power, as if they had received every of them writs of summons to Parliament under the Great Seal of England, in the usual and accustomed manner. And in case the said Lords, or twelve or more of them, shall fail to issue forth such writs, or that the said writs do not come to the said several Counties, Cities, Cinque Ports and Boroughs, so that an election be not thereupon made; and in case there be not a Parliament assembled and held before the 23rd day of the said month of January, and so from time to time, and in all times hereafter, if there shall not be a Parliament assembled and held before the said 23rd day of January, then in every such case as aforesaid the Parliament shall assemble, and be held in the usual place at Westminster, in such manner, and by such means only, as is hereafter in this present Act declared and enacted, and not otherwise, on the second Tuesday which shall be in the month of March next after the said 23rd day of January; at which Parliament the peers of this realm shall make their appearance, and shall assemble at the time and place aforesaid, and shall each of them be liable unto such pains and censures for his and their not appearing and serving then and there in Parliament, as if he or they had been summoned by writ under the Great Seal of England, and had not appeared and served; and to such further pains and censures, as by the rest of the peers in Parliament assembled they shall be adjudged unto.

IV. And for the better assembling of the knights, citizens, barons, and burgesses to the said Parliament, as aforesaid, it is further enacted, that the several and respective sheriffs of the several and respective Counties, Cities and Boroughs of England and Wales, and the Chancellors, Masters and Scholars of both and every of the Universities, and the Mayor and Bailiffs of the borough of Berwick upon Tweed, shall at the several courts and places to be held and appointed for their respective Counties, Universities, Cities and Boroughs, next after the said 23rd day of January, cause such knight and knights, citizen and citizens, burgess and burgesses of their said Counties, Universities, Cities and Boroughs respectively, to be chosen by such persons, and in such manner, as if several and respective writs of summons to Parliament, under the Great Seal of England, had issued and been awarded. And in case any of the several Sheriffs, \* \* \* do not before ten of the clock in the forenoon of the same day wherein the several and respective courts and places shall be held or appointed for their several and respective Counties, Universities, Cities and Bor-

oughs as aforesaid, begin and proceed on according to the meaning of this law, in causing elections to be made of such knight and knights, citizen and citizens, burgess and burgesses, of their said Counties, Universities, Cities and Boroughs as aforesaid; then the freeholders of each County, and the Masters and Scholars of every the Universities, and the citizens and others having voices in such election respectively, in each University, City and Borough, that shall be assembled at the said courts or places to be held, or appointed, as aforesaid, shall forthwith, without further warrant or direction, proceed to the election of such knight or knights, citizen or citizens, burgess or burgesses aforesaid, in such manner as is usual in cases of writs of summons issued and awarded.

V. And it is further enacted that the several and respective sheriffs of their several and respective counties, and the Constable of the Castle of Dover, and Lord Warden of the Cinque Ports, or his lieutenant for the time being respectively, shall after the said 23rd day of January, and before the 8th day of February then immediately next ensuing, award and send forth their precepts to the several and respective cities and boroughs within their several counties, and likewise unto the said Cinque Ports respectively, commanding them respectively to make choice of such citizen and citizens, barons, burgess and burgesses, to serve in the said Parliament, at the time and place aforesaid: which said Cities, Cinque Ports and Boroughs respectively, shall before the last day of the said month of February make election of such citizen and citizens, barons, burgess and burgesses, as if writs for summoning of a Parliament, under the Great Seal of England, had issued and been awarded. And in case no such precept shall come unto the said Cities, Cinque Ports and Boroughs respectively, by the time herein limited: or in case any precept shall come, and no election be made thereupon, before the said last day of February, that then the several citizens, burgesses, and other persons that ought to elect and send citizens, barons, and burgesses to the Parliament, shall on the first Tuesday in March then next ensuing the said last day of February make choice of such citizen and citizens, barons, burgess and burgesses, as if a writ of summons under the Great Seal of England had issued and been awarded, and precepts thereupon issued, to such Cities, Cinque Ports and Boroughs: which knights, citizens, barons and burgesses so chosen shall appear and serve in Parliament at the time and place aforesaid, and shall each of them be liable unto such pains and censures for his and their not appearing and serving then and there in Parliament, as if he or they had been elected and chosen by virtue of a writ under the

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of England, and shall be likewise subject unto such censures and censures for his and their not appearing and being there in Parliament, as if he or they had been chosen by virtue of a writ under the Great Seal of England by the rest of the knights, citizens and burgesses assembled in the Commons House of Parliament, he or they shall be liable unto. And the sheriffs and other officers and persons to whom it shall pertaineth shall make returns, and accept and receive of such elections in like manner as if writs of summons had been executed, as hath been used and accustomed : the default of the sheriffs and other officers respectively, in not making return of such elections, it shall and may be levied and for the several freeholders, and other persons that shall be elected, to make returns of the knights, citizens, barons and burgesses by them elected, which shall be as good and effectual to all intents and purposes as if the sheriff or other officers had executed a writ of summons for a Parliament, and had made such return, and that such elections, precepts and returns shall be had at such times, by such persons, and in such manner, as in this Act is expressed and declared, according to the true meaning of this law ; any writ, proclamation, edict, act, ordinance, prohibition, order or warrant to the contrary in any wise notwithstanding. And whosoever shall be contrary to this Act shall be liable to the penalties therein expressed.

forfeitures, and all other forfeitures in this Act mentioned, shall and may be recovered in any of the King's Courts of Record at Westminster, without naming the Christian name and surname of the said Mayor for the time being, by action of debt, bill, plaint or information, wherein no essoine, protection, wager of law, aid, prayer, privilege, injunction, or order of restraint, shall be in any wise prayed, granted or allowed, nor any more than one imparlance: and if any person after notice given that the action depending is grounded and prosecuted upon or by virtue of this Statute shall cause or procure any such action to be stayed or delayed before judgment by colour or means of any order, warrant, power or authority, save only of the court wherein such action as aforesaid shall be brought or depending, or after judgment had upon such action, shall cause or procure the execution of, or upon any such judgment, to be stayed or delayed by colour or means of any order, warrant, power or authority, save only by writ of error or attain, that then the said persons so offending shall incur and sustain all and every the pains, penalties and forfeitures, limited, ordained and provided in and by the said Statute of Provision and Præmunire, made in the 16th of King Richard the Second. And if any Lord Mayor of London shall at any time hereafter commence or prefer any such suit, action or information, and shall happen to die or be removed out of his office before recovery and execution had, that yet no such action, suit or information, sued, commenced or preferred, shall by such displacing or death be abated, discontinued or ended, but that it shall and may be lawful to and for the Lord Mayor of the City of London next succeeding in that office and place, to prosecute, pursue and follow all and every such action, bill, plaint or information for the causes aforesaid, so hanging and depending in such manner and form, and to all intents and purposes, as that Lord Mayor might have done, which first commenced or preferred the same. The fifth part of all and every the forfeitures in this Act mentioned, shall go and be, to, and for the use and behoof of the City of London, and the other four parts and residue to be employed and disposed to, and for such only uses, intents and purposes as by the knights, citizens and burgesses in Parliament assembled, shall be declared, directed and appointed.

Provided that in case the freeholders of any County and inhabitants, or other persons having or claiming power to make election of any knights, citizens, barons or burgesses, shall proceed to making of election of their knights, citizens, barons and burgesses, which election shall afterwards fall out to be adjudged or declared void in law by the House of Commons, by reason of equality of

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misdemeanour of any person whatsoever, then the said  
ty, Cinque Port or Borough shall not incur the penal-  
law, so as an election *de facto* be made.

And it is further enacted that no Parliament henceforth to  
be held shall be dissolved or prorogued within fifty days at  
the time appointed for the meeting thereof, unless it be  
by the command of His Majesty, his heirs or successors, and of both  
Houses of Parliament assembled; and that neither the House of  
Peers nor the House of Commons shall be adjourned within fifty  
days next after the meeting thereof, unless it be by the free  
consent of every the said Houses respectively.

And be it further enacted and declared by authority of  
this present Parliament, that the Peers to be assembled at any  
Parliament by virtue of this Act, shall and may from time to time,  
during such their assembly in Parliament, choose and  
elect one person to be Speaker for the said Peers as they shall

And likewise that the said knights, citizens and bur-  
gesses assembled at any Parliament by virtue of this Act, shall  
from time to time, at any time during such their assem-  
bly in Parliament, choose and declare one of themselves to be  
Speaker for the said knights, citizens and burgesses of the House  
of Commons assembled in the said Parliament as they shall think  
fit, and every of them, as well for the said

successors, shall at any time during any Parliament hereafter to be assembled by authority of this Act as aforesaid, award or direct any commission or commissions unto any person or persons whatsoever, thereby giving power and authority to him or them to take and receive the oath of supremacy and allegiance, of all or any the members of the Commons House of Parliament, and any the members of that House being duly required thereunto, shall refuse or neglect to take and pronounce the same, that from thenceforth such person so refusing or neglecting shall be deemed no member of that House, nor shall have any voice therein, and shall suffer such pains and penalties as if he had presumed to sit in the same House without election, return or authority.

X. And it is likewise provided and enacted, that this Statute shall be publicly read yearly at every General Sessions of the Peace, to be held next after the Epiphany, and every Assizes then next ensuing by the Clerk of the Peace and Clerk of the Assizes for the time being respectively. And if they or either of them shall neglect or fail to do the same accordingly, then such party so neglecting or failing shall forfeit the sum of one hundred pounds.

XI. And it is lastly provided and enacted, that His Majesty's royal assent to this Bill shall not thereby determine this present Session of Parliament, and that all statutes and Acts of Parliament which are to have continuance unto the end of this present Session, shall be of full force after His Majesty's assent, until this present Session be fully ended and determined ; and if this present Session shall determine by dissolution of this present Parliament, then all the Acts and statutes aforesaid shall be continued until the end of the first Session of the next Parliament.

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## 196. The Protestation

(1641, May 3. Rushworth, viii. 735. Gardiner, 155, 156.)

**WE** the knights, citizens and burgesses of the Commons House in Parliament, finding to the grief of our hearts that the designs of the Priests and Jesuits, and other adherents to the See of Rome, have of late been more boldly and frequently put in practice than formerly, to the undermining and danger of the true reformed Protestant religion in His Majesty's dominions established ; and finding also that there hath been, and having just cause to suspect there still are, even during the sittings in Parliament, endeavours

to subvert the fundamental laws of England and Ireland, and to introduce the exercise of an arbitrary and tyrannical government by most pernicious and wicked counsels, practices, plots and conspiracies ; and that the long intermission and unhappier breach of Parliaments hath occasioned many illegal taxations, whereby the subjects have been prosecuted and grieved ; and that divers innovations and superstitions have been brought into the Church, multitudes driven out of His Majesty's dominions, jealousies raised and fomented between the King and his people, a Popish army levied in Ireland, and two armies brought into the bowels of this kingdom, to the hazard of His Majesty's royal person, the consumption of the revenue of the crown and the treasure of this realm ; and lastly, finding the great cause of jealousy, that endeavours have been, and are used, to bring the English army into a misunderstanding of this Parliament, thereby to incline that army by force to bring to pass those wicked counsels ; have therefore thought good to join ourselves in a Declaration of our united affections and resolutions and to make this ensuing Protestation : —

I, A. B., do, in the presence of God, promise, vow and protest to maintain and defend, as far as lawfully I may, with my life, power and estate, the true reformed Protestant religion expressed in the doctrine of the Church of England, against all Popery and popish innovation within this realm, contrary to the said doctrine, and according to the duty of my allegiance I will maintain and defend His Majesty's royal person and estate ; as also the power and privilege of Parliaments, the lawful rights and liberties of the subjects, and every person that shall make this Protestation in whatsoever he shall do, in the lawful pursuance of the same ; and to my power, as far as lawfully I may, I will oppose, and by all good ways and means endeavour to bring to condign punishment all such as shall by force, practice, counsels, plots, conspiracies or otherwise do anything to the contrary in this present Protestation contained : and further, that I shall in all just and honourable ways endeavour to preserve the union and peace betwixt the three kingdoms of England, Scotland and Ireland, and neither for hope, fear or any other respects, shall relinquish this promise, vow and protestation.

## 197. Act for the Attainder of Strafford

(1641, May 11. 16 Charles I. Private Acts c. 1. 5 S. R 177. Gardiner, 156-158.)

**W**HEREAS the knights, citizens and burgesses of the House of Commons in this present Parliament assembled, have, in the name of themselves and of all the Commons of England, impeached Thomas, earl of Strafford, of high treason, for endeavouring to subvert the ancient and fundamental laws and government of His Majesty's realms of England and Ireland, and to introduce an arbitrary and tyrannical government, against law, in the said kingdoms, and for exercising a tyrannous and exorbitant power over and against the laws of the said kingdoms, and the liberties, estates and lives of His Majesty's subjects; and likewise having by his own authority commanded the laying and assessing of soldiers upon His Majesty's subjects in Ireland, against their consents, to compel them to obey his unlawful summons and orders, made upon paper petitions in causes between party and party, which accordingly was executed upon divers of His Majesty's subjects in a warlike manner within the said realm of Ireland; and in so doing did levy war against the King's Majesty and his liege-people in that kingdom; and also for that he, upon the unhappy dissolution of the last Parliament, did slander the House of Commons to His Majesty; and did counsel and advise His Majesty that he was loose and absolved from rules of government; and that he had an army in Ireland which he might employ to reduce this kingdom, for which he deserves to undergo the pains and forfeitures of high treason; and the said earl hath also been an incendiary of the wars between the two kingdoms of England and Scotland, all which offences have been sufficiently proved against the said earl upon his impeachment:

Be it therefore enacted by the King's Most Excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by the authority of the same, that the said earl of Strafford, for the heinous crimes and offences aforesaid, stand, and be adjudged and attainted of high treason, and shall suffer such pains of death, and incur the forfeitures of his goods and chattels, lands, tenements and hereditaments of any estate of freehold or inheritance in the said kingdoms of England and Ireland, which the said earl or any other to his use, or in trust for him, have or had, the day of the first sitting of this Parliament, or at any time since;



Provided that no judge or judges, justice or justices whatsoever, shall adjudge or interpret any act or thing to be treason, nor hear or determine any treason in any other manner than he or they should or ought to have done before the making of this Act, and as if this Act had never been had or made ; saving always unto all and singular persons, bodies politic and corporate, their heirs and successors, others than the said earl and his heirs, and such as claim from, by, or under him, all such right, title and interest of, in, and to all and singular such of the lands, tenements and hereditaments, as he, they, or any of them had before the first day of this present Parliament, anything herein contained to the contrary notwithstanding ;

Provided that the passing of this present Act, or His Majesty's assent thereunto, shall not be any determination of this present Sessions of Parliament ; but that this present Sessions of Parliament, and all Bills and matters whatsoever depending in Parliament, and not fully enacted or determined, and all statutes and Acts of Parliament which have their continuance until the end of this present Sessions of Parliament, shall remain, continue, and be in full force, as if this Act had not been.

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### 198. Act against Dissolving the Long Parliament without its own Consent

(1641, May 11. 16 Charles I. c. 7. 5 S. R. 103. Gardiner, 158, 159.)

WHEREAS great sums of money must of necessity be speedily advanced and provided for the relief of His Majesty's army and people in the northern parts of this realm, and for preventing the imminent danger it is in, and for supply of other His Majesty's present and urgent occasions, which cannot be so timely effected as is requisite without credit for raising the said monies ; which credit cannot be obtained until such obstacles be first removed as are occasioned by fears, jealousies and apprehensions of divers His Majesty's loyal subjects, that this present Parliament may be adjourned, prorogued, or dissolved, before justice shall be duly executed upon delinquents, public grievances redressed, a firm peace between the two nations of England and Scotland concluded, and before sufficient provision be made for the re-payment of the said monies so to be raised ; all which the Commons in this present

## Act Abolishing Court of Star Chamber 363

Parliament assembled, having duly considered, do therefore most humbly beseech your Majesty that it may be declared and enacted :

And be it declared and enacted by the King, our Sovereign Lord, with the assent of the Lords and Commons in this present Parliament assembled, and by the authority of the same, that this present Parliament now assembled shall not be dissolved unless it be by Act of Parliament to be passed for that purpose ; nor shall it, at any time or times, during the continuance thereof, prorogued or adjourned, unless it be by Act of Parliament to be likewise passed for that purpose ; and that the House of Peers shall not at any time or times during this present Parliament be adjourned, unless it be by themselves or by their own order ; and in like manner, that the House of Commons shall not, at any time or times, during this present Parliament, be adjourned, unless it be by themselves or by their own order ; and that all and every thing or things whatsoever done or to be done for the adjournment, proroguing, or dissolving of this present Parliament, contrary to this Act, shall be utterly void and of none effect.

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### 199. Act for the Abolition of the Court of Star Chamber

1641, July 5. 16 Charles I. c. 10. 5 S. R. 110. The whole act reprinted in Gardiner, 179-186.)

**W**HEREAS by the Great Charter many times confirmed in Parliament, it is enacted that no freeman shall be taken or imprisoned, or disseised of his freehold or liberties or free customs, or be outlawed or exiled or otherwise destroyed, and that the King will not pass upon him or condemn him but by lawful judgment of his peers or by the law of the land ; and by another statute made in the fifth year of the reign of King Edward the Third, it is enacted that no man shall be attached by any accusation nor forejudged of life or limb, nor his lands, tenements, goods nor chattels seised into the King's hands against the form of the Great Charter and the law of the land ; and by another statute made in the five-and-twentieth year of the reign of the same King Edward the Third, it is accorded, assented and established, that none shall be taken by petition or suggestion made to the King or to his Council, unless it be by indictment or presentment of good and lawful people of the same neighbourhood where such deeds be done, in due manner or by process made by writ origi-

nal at the common law, and that none be put out of his franchise or freehold unless he be duly brought in to answer and forejudged of the same by the course of the law, and if anything be done against the same, it shall be redressed and holden for none ; and by another statute made in the eight-and-twentieth year of the reign of the same King Edward the Third, it is amongst other things enacted, that no man of what estate or condition soever he be shall be put out of his lands or tenements, nor taken nor imprisoned nor disinherited without being brought in to answer by due process of law ; and by another statute made in the two-and-fortieth year of the reign of the said King Edward the Third, it is enacted, that no man be put to answer without presentment before Justices or matter of record, or by due process and writ original according to the old law of the land, and if anything be done to the contrary, it shall be void in law and holden for error ; and by another statute made in the six-and-thirtieth year of the same King Edward the Third, it is amongst other things enacted, that all pleas which shall be pleaded in any Courts before any of the King's Justices, or in his other places, or before any of his other ministers, or in the Courts and places of any other Lords within the realm, shall be entered and enrolled in Latin ; and whereas by the statute made in the third year of King Henry the Seventh, power is given to the Chancellor, the Lord Treasurer of England for the time being, and the Keeper of the King's Privy Seal, or two of them, calling unto them a Bishop and a Temporal Lord of the King's most honourable Council, and the two Chief Justices of the King's Bench and Common Pleas for the time being, or other two Justices in their absence, to proceed as in that Act is expressed for the punishment of some particular offences therein mentioned ; and by the statute made in the one-and-twentieth year of King Henry the Eighth, the President of the Council is associated to join with the Lord Chancellor and other Judges in the said statute of the third of Henry the Seventh mentioned : but the said Judges have not kept themselves to the points limited by the said statute, but have undertaken to punish where no law doth warrant, and to make decrees for things having no such authority, and to inflict heavier punishments than by any law is warranted ;

II. Forasmuch as all matters examinable or determinable before the said Judges, or in the Court commonly called the Star Chamber, may have their proper remedy and redress, and their due punishment and correction, by the common law of the land, and in the ordinary course of justice elsewhere ; and forasmuch as the reasons and motives inducing the erection and continuance of that

Court do now cease ; and the proceedings, censures and decrees of that Court have by experience been found to be an intolerable burden to the subjects, and the means to introduce an arbitrary power and government ; and forasmuch as the Council Table hath of late times assumed unto itself a power to intermeddle in civil causes and matters only of private interest between party and party, and have adventured to determine of the estates and liberties of the subject, contrary to the law of the land and the rights and privileges of the subject, by which great and manifold mischiefs and inconveniences have arisen and happened, and much uncertainty by means of such proceedings hath been conceived concerning men's rights and estates : for settling whereof and preventing the like in time to come :

III. Be it ordained and enacted by the authority of this present Parliament, that the said Court commonly called the Star Chamber, and all jurisdiction, power and authority belonging unto or exercised in the same Court, or by any of the Judges, Officers or Ministers thereof, be from the first day of August in the year of our Lord God one thousand six hundred forty and one, clearly and absolutely dissolved, taken away, and determined ; and that from the said first day of August neither the Lord Chancellor or Keeper of the Great Seal of England, the Lord Treasurer of England, the Keeper of the King's Privy Seal, or President of the Council, nor any Bishop, Temporal Lord, Privy Councillor, or Judge, or Justice whatsoever, shall have any power or authority to hear, examine or determine any matter or thing whatsoever in the said Court commonly called the Star Chamber, or to make, pronounce or deliver any judgment, sentence, order or decree, or to do any judicial or ministerial act in the said Court ; and that all and every Act and Acts of Parliament, and all and every article, clause, and sentence in them and every of them, by which any jurisdiction, power or authority is given, limited or appointed unto the said Court, commonly called the Star Chamber, or unto all or any the Judges, Officers or Ministers thereof, or for any proceedings to be had or made in the said Court, or for any matter or thing to be drawn into question, examined or determined there, shall, for so much as concerneth the said Court of Star Chamber, and the power and authority thereby given unto it be, from the said first day of August, repealed and absolutely revoked and made void.

IV. And be it likewise enacted, that the like jurisdiction now used and exercised in the Court before the President and Council in the Marches of Wales ; and also in the Court before the Presi-

dent and Council established in the northern parts ; and also in the Court commonly called the Court of the Duchy of Lancaster, held before the Chancellor and Council of that Court ; and also in the Court of Exchequer of the County Palatine of Chester, held before the Chamberlain and Council of that Court ; the like jurisdiction being exercised there, shall, from the said first day of August one thousand six hundred forty and one, be also repealed and absolutely revoked and made void, any law, prescription, custom or usage ; or the said statute made in the third year of King Henry the Seventh ; or the statute made in the one-and-twentieth of Henry the Eighth ; or any Act or Acts of Parliament heretofore had or made, to the contrary thereof in any wise notwithstanding ; and that from henceforth no court, council, or place of judicature shall be erected, ordained, constituted, or appointed within this realm of England or dominion of Wales, which shall have, use or exercise the same or the like jurisdiction, as is or hath been used, practised or exercised in the said Court of Star Chamber.

V. Be it likewise declared and enacted by authority of this present Parliament, that neither His Majesty nor his Privy Council have or ought to have any jurisdiction, power or authority by English bill, petition, articles, libel, or any other arbitrary way whatsoever, to examine or draw into question, determine or dispose of the lands, tenements, hereditaments, goods or chattels of any the subjects of this kingdom, but that the same ought to be tried and determined in the ordinary Courts of Justice and by the ordinary course of the law.

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## 200. Act for the Abolition of the Court of High Commission

(1641, July 5. 16 Charles I. c. 11. 5 S. R. 112. Gardiner, 186-189.)

WHEREAS in the Parliament holden in the first year of the reign of the late Queen Elizabeth, late Queen of England, there was an Act made and established, entitled ' An Act restoring to the Crown the ancient jurisdiction over the State ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same ' : in which Act, amongst other things, there is contained one clause, branch, article or sentence whereby it was enacted to this

## Act Abolishing Court of High Commission 367

effect : namely, that the said late Queen's Highness, her heirs and successors, Kings or Queens of this realm, should have full power and authority by virtue of that Act, by Letters Patents under the Great Seal of England, to assign, name and authorize when and as often as Her Highness, her heirs or successors, should think meet and convenient, and for such and so long time as should please Her Highness, her heirs or successors, such person or persons being natural born subjects to Her Highness, her heirs or successors, as Her Majesty, her heirs or successors, should think meet to exercise, use, occupy and execute under Her Highness, her heirs and successors, all manner of jurisdictions, privileges and preeminences in any wise touching or concerning any spiritual or ecclesiastical jurisdiction within these her realms of England and Ireland, or any other Her Highness's dominions and countries ; and to visit, reform, redress, order, correct and amend all such errors, heresies, schisms, abuses, offences, contempts and enormities whatsoever, which by any manner spiritual or ecclesiastical power, authority or jurisdiction can or may lawfully be reformed, ordered, redressed, corrected, restrained or amended, to the pleasure of Almighty God, the increase of virtue and the conservation of the peace and unity of this realm : and that such person or persons so to be named, assigned, authorized and appointed by Her Highness, her heirs or successors, after the said Letters Patents to him or them made and delivered as aforesaid, should have full power and authority by virtue of that Act and of the said Letters Patents under Her Highness, her heirs or successors, to exercise, use and execute all the premises, according to the tenor and effect of the said Letters Patents, any matter or cause to the contrary in any wise notwithstanding ;

II. And whereas by colour of some words in the aforesaid branch of the said Act, whereby Commissioners are authorized to execute their commission according to the tenor and effect of the King's Letters Patents, and by Letters Patents grounded thereupon, the said Commissioners have, to the great and insufferable wrong and oppression of the King's subjects, used to fine and imprison them, and to exercise other authority not belonging to ecclesiastical jurisdiction restored by that Act, and divers other great mischiefs and inconveniences have also ensued to the King's subjects by occasion of the said branch, and commissions issued thereupon, and the executions thereof : therefore for the repressing and preventing of the aforesaid abuses, mischiefs and inconveniences in time to come :

III. Be it enacted by the King's Most Excellent Majesty and

the Lords and Commons in this present Parliament assembled, and by the authority of the same, that the aforesaid branch, clause, article or sentence contained in the said Act, and every word, matter and thing contained in that branch, clause, article or sentence shall from henceforth be repealed, annulled, revoked, annihilated and utterly made void for ever; anything in the said Act to the contrary in any wise notwithstanding.

IV. And be it also enacted by the authority aforesaid, that no Archbishop, Bishop, nor Vicar General, nor any Chancellor, Official, nor Commissary of any Archbishop, Bishop or Vicar General, nor any ordinary whatsoever, nor any other spiritual or ecclesiastical Judge, Officer or Minister of Justice, nor any other person or persons whatsoever exercising spiritual or ecclesiastical power, authority or jurisdiction by any grant, licence or commission of the King's Majesty, his heirs or successors, or by any power or authority derived from the King, his heirs or successors, or otherwise, shall from and after the first day of August, which shall be in the year of our Lord God one thousand six hundred forty and one, award, impose or inflict any pain, penalty, fine, amercement, imprisonment or other corporal punishment upon any of the King's subjects for any contempt, misdemeanour, crime, offence, matter or thing whatsoever belonging to spiritual or ecclesiastical cognizance or jurisdiction; or shall *ex officio*, or at the instance or promotion of any other person whatsoever, urge, enforce, tender, give or minister unto any churchwarden, sidesman or other person whatsoever any corporal oath, whereby he or she shall or may be charged or obliged to make any presentment of any crime or offence, or to confess or to accuse him or herself of any crime, offence, delinquency or misdemeanour, or any neglect or thing whereby, or by reason whereof, he or she shall or may be liable or exposed to any censure, pain, penalty or punishment whatsoever; upon pain and penalty that every person who shall offend contrary to this statute shall forfeit and pay treble damages to every person thereby grieved, and the sum of £100 to him or them who shall first demand and sue for the same; which said treble damages and sum of £100 shall and may be demanded and recovered by action of debt, bill or plaint in any Court of Record wherein no privilege, essoine, protection or wager of law shall be admitted or allowed to the defendant. And be it further enacted, that every person who shall be once convicted of any act or offence prohibited by this statute, shall for such act or offence be from and after such conviction utterly disabled to be or continue in any office or employment in any Court of Justice whatsoever, or to exercise or



## Act Declaring the Illegality of Ship-money 369

execute any power, authority or jurisdiction by force of any Commission or Letters Patents of the King, his heirs or successors.

V. And be it further enacted, that from and after the said first day of August, no new Court shall be erected, ordained or appointed within this realm of England or dominion of Wales, which shall or may have the like power, jurisdiction or authority as the said High Commission Court now hath or pretendeth to have ; but that all and every such Letters Patents, Commissions and Grants made or to be made by His Majesty, his heirs or successors, and all powers and authorities granted, or pretended or mentioned to be granted thereby, and all acts, sentences and decrees, to be made by virtue or colour thereof shall be utterly void and of none effect.

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### 201. Act Declaring the Illegality of Ship-money

(1641, August 7. 16 Charles I. c. 14. 5 S. R. 116. Gardiner, 189-192.)

WHEREAS divers writs of late time issued under the Great Seal of England, commonly called Ship-writs, for the charging of the Ports, Towns, Cities, Boroughs, and Counties of this realm respectively, to provide and furnish certain ships for His Majesty's service ; and whereas upon the execution of the same writs and returns of *certioraries* thereupon made, and the sending the same by *Mittimus* into the Court of Exchequer, process hath been thence made against sundry persons pretended to be charged by way of contribution for the making up of certain sums assessed for the providing of the said ships ; and in especial in Easter Term in the thirteenth year of the reign of our Sovereign Lord the King that now is, a Writ of *Scire facias* was awarded out of the Court of Exchequer to the then Sheriff of Buckinghamshire against John Hampden, Esquire, to appear and show cause why he should not be charged with a certain sum so assessed upon him : upon whose appearance and demurrer to the proceedings therein, the Barons of the Exchequer adjourned the same case into the Exchequer Chamber, where it was solemnly argued divers days ; and at length it was there agreed by the greater part of all the Justices of the Courts of King's Bench and Common Pleas, and of the Barons of the Exchequer there assembled, that the said John Hampden should be charged with the said sum so as aforesaid assessed on



him; the main grounds and reasons of the said Justices and Barons which so agreed being, that when the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, the King might by writ under the Great Seal of England command all the subjects of this his kingdom at their charge to provide and furnish such number of ships with men, victuals and munition, and for such time as the King should think fit, for the defence and safeguard of the kingdom from such danger and peril, and that by law the King might compel the doing thereof in case of refusal or refractoriness; and that the King is the sole judge both of the danger, and when and how the same is to be prevented and avoided; according to which grounds and reasons all the Justices of the said Courts of King's Bench and Common Pleas, and the said Barons of the Exchequer, having been formerly consulted with by His Majesty's command, had set their hands to an extrajudicial opinion expressed to the same purpose; which opinion with their names thereunto was also by His Majesty's command enrolled in the Courts of Chancery, King's Bench, Common Pleas and Exchequer, and likewise entered among the remembrances of the Court of Star Chamber; and according to the said agreement of the said Justices and Barons, judgment was given by the Barons of the Exchequer, that the said John Hampden should be charged with the said sum so assessed on him: and whereas some other actions and process depend, and have depended, in the said Court of Exchequer and in some other Courts, against other persons for the like kind of charge grounded upon the said writs commonly called Ship-writs; all which writs and proceedings as aforesaid were utterly against the law of the land:

II. Be it therefore declared and enacted by the King's Most Excellent Majesty and the Lords and the Commons in this present Parliament assembled, and by the authority of the same, that the said charge imposed upon the subject for the providing and furnishing of ships, commonly called Ship-money, and the said extrajudicial opinion of the said Justices and Barons, and the said writs, and every of them, and the said agreement or opinion of the greater part of the said Justices and Barons, and the said judgment given against the said John Hampden, were and are contrary to and against the laws and statutes of this realm, the right of property, the liberty of the subjects, former resolutions in Parliament, and the Petition of Right made in the third year of the reign of His Majesty that now is.

III. And it is further declared and enacted by the authority aforesaid, that all and every the particulars prayed or desired in

the said Petition of Right shall from henceforth be put in execution accordingly, and shall be firmly and strictly holden and observed as in the same Petition they are prayed and expressed; and that ~~all and every~~ the records and remembrances of ~~all and every~~ the judgment, enrolments, entry, and proceedings ~~as afore~~ said, and ~~all and every~~ the proceedings whatsoever, upon or by pretext or colour of any of the said writs commonly called Shipwrits, and ~~all and every~~ the dependents on any of them, shall be deemed and adjudged, to all intents, ~~constructions and purposes~~, to be utterly void and disannulled; and that ~~all and every~~ the said judgment, enrolments, ~~entries, proceedings and~~ dependents of ~~what kind soever~~, shall be vacated and cancelled in such manner and form as records use to be that are vacated.

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## 202. Act for the Limitation of Forests

(1641, August 7. 16 Charles I. c. 16. 5 S. R. 119. Gardiner, 192-195.)

**W**HEREAS by Act of Parliament made in the first year of the reign of the late King Edward the Third, it was ordained, that the old perambulation of the forest in the time of King Edward the First should be thenceforth holden in like form as it was then ridden and bounded, and in such places where it was not bounded, the King would that it should be bounded by good men and lawful:

II. And whereas for many ages past certain meets, meers, limits and bounds of the forests have been commonly known and observed in the several Counties, wherein the said forests lie:

III. And whereas of late divers presentments have been made and some judgments given, whereby the meets, meers, limits and bounds of some of the said forests have been variously extended or pretended to extend beyond some of the said meets, meers, limits and bounds so commonly known and formerly observed, to the great grievance and vexation of many persons having lands adjoining to the said meets, meers, limits and bounds so commonly known and formerly observed: and whereas of late time some endeavours or pretences have been to set on foot forests in some parts of this realm and the dominion of Wales, where in truth none have been or ought to be, or at least have not been used of long time: for remedy thereof, may it please your Most

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... Majesty that it be declared and enacted by authority of  
...;

And be it declared and enacted by the King's Most  
... Majesty and the Lords and Commons in this present  
... assembled, and by the authority of the same, that from  
... the meets, meers, limits and bounds of all and every  
... respectively, shall be to all intents and purposes taken,  
... and deemed to extend no further respectively than the  
... meers, limits and bounds, which in the several Counties  
... ly wherein the said forests do lie, were commonly known,  
... used or taken to be the meets, meers, limits and bounds  
... and forests respectively in the twentieth year of the reign  
... the Sovereign Lord, King James, and not beyond in any  
... perambulation or perambulations, presentments, extents,  
... judgments, records, decrees, or other matter or thing  
... er to the contrary notwithstanding: and that all and  
... the presentments since the said twentieth year made,  
... and every other presentment and presentments, and all and  
... judgment and award upon or by reason or pretext of any  
... presentment or presentments, and all and every perambulation  
... imulations, surveys, extents, and other act and acts at any  
... etofores had or made, by which the meets, meers, limits  
... of the same forests, or any of them, are or are pretended

empted from the forest laws ; any Justice seat, Swainemote, or Court of Attachment held or kept within or for any such place or places at any time or times since the beginning of His Majesty's said reign, or any presentment, enquiry, act, or thing heretofore made, or hereafter to be made or done to the contrary notwithstanding.

VI. Provided also, and be it further enacted by the authority aforesaid, that for the better putting into certainty all and every the meets, meers, bounds and limits of all and every the forests as aforesaid, the Lord Chancellor or Lord Keeper of the Great Seal of England for the time being shall, by virtue of this Act, upon request of any of the Peers of this kingdom, or of the Knights and Burgesses of the Parliament or any of them, grant several commissions under the Great Seal of England to Commissioners to be nominated respectively by the said Peers, Knights and Burgesses, or any of them, to enquire of and find out by inquests of good and lawful men upon oath, and by the oaths of witnesses to be produced at the said inquests, and by all other lawful means, all and every the meers, meets, bounds and limits of the forests respectively, which were commonly known to be their meers, meets, bounds and limits respectively in the said twentieth year of the reign of our late Sovereign Lord, King James ; and to return the inquests so taken into the Court of Chancery ; and that all and every the Sheriffs and Bailiffs of and in every County wherein any such inquests shall be so to be taken ; and all and every the Verderers, Foresters, Rangers, and other officers of the forests respectively, where any such officers be, shall be assistant and attendant to the executions of the said commissions, according as by virtue of the said commissions respectively they shall be commanded ; and where no such officers are or where such officers be, if they or any of them shall refuse or neglect such assistance and attendance as aforesaid, then the said Commissioners shall and may proceed without them in the execution of the said commissions.

VII. And be it further enacted by the authority aforesaid, that the forests whereof the meets, meers, limits and bounds shall be so returned and certified by virtue of any the said commissions as aforesaid, from thenceforth shall not extend, nor be extended, nor be deemed, adjudged, or taken to extend any further in any wise than the meets, meers, limits and bounds that shall be so returned and certified ; and that all the places and territories that shall be without the meets, meers, limits and bounds so returned and certified, shall be and are hereby declared to be from thenceforth free to all intents and purposes, as if the same had never been forest,

or so reputed ; any Act or Acts, matter or thing whatsoever to the contrary thereof notwithstanding.

VIII. Provided, and be it further enacted by the authority aforesaid, that all and every the grounds, territories or places which have been or are disafforested or mentioned to be disafforested in or by any Letters Patents, Charters, or otherwise since the said twentieth year of the reign of our said late Sovereign Lord, King James, shall be excluded and left out of the meets, meers, limits and bounds of the forests which are to be enquired of, returned and certified by virtue of the said commissions, or any of them respectively, and shall be, and hereby are declared and enacted to be utterly disafforested, free, and exempt to all intents and purposes as if the same had never been at all forest, or so reputed ; anything in this present Act contained, or any other Act, matter or thing whatsoever to the contrary in any wise notwithstanding.

IX. Provided nevertheless and be it enacted that the tenants, owners, and occupiers, and every of them of lands and tenements, which shall be excluded and left out of the meets, meers, limits or bounds of the forests to be returned and certified by virtue of any the said commissions, shall or may use and enjoy such common, and other profits and easements within the forest as anciently or customarily they have used and enjoyed ; anything in this present Act contained or any Act or Ordinance made in the three-and-thirtieth year of King Edward the First, or any custom or law of the forest, or any other matter or thing to the contrary thereof notwithstanding.

### 203. Act prohibiting the Exaction of Knight-hood Fines

(1641, August 10. 16 Charles I. c. 20. 5 *S. R.* 151. Gardiner, 196, 197.)

**W**HEREAS upon pretext of an ancient custom or usage of this realm of England, that men of full age being not Knights, and being seised of lands or rents of the yearly value of forty pounds or more (especially if their seisin had so continued by the space of three years next past), might be compelled by the King's writ to receive, or take upon them, the Order or Dignity of Knight-hood, or else to make fine for the discharge or respite of the same, several writs, about the beginning of His Majesty's reign, issued out of the Court of Chancery for proclamations to be made in every

County to that purpose, and for certifying the names of all such persons, and for summoning them personally to appear in the King's presence, before a certain day, to be there ready to receive the said Order or Dignity : upon return of which writs, and transmitting the same with their returns into the Court of Exchequer, and upon other writs for further inquiry of the names of such persons issuing out of the said Court of Exchequer, process by *distringas* was thence made against a very great number of persons, many of which were altogether unfit, in regard either of estate or quality, to receive the said Order or Dignity, and very many were put to grievous fines and other vexations for the same, although in truth it were not sufficiently known how, or in what sort, or where they, or any of them, should, or might have addressed themselves for receiving the said Order or Dignity, and for saving themselves thereby from the said fines, process and vexations : and whereas it is most apparent, that all and every such proceeding, in regard of the matter therein pretended, is altogether useless and unreasonable : may it therefore please your Most Excellent Majesty that it be by authority of Parliament declared and enacted ;

II. And be it declared and enacted by the King's Most Excellent Majesty, and the Lords and Commons in this Parliament assembled, and by the authority of the same, that from henceforth no person or persons of what condition, quality, estate or degree soever, shall at any time be distrained or otherwise compelled by any writ or process of the Court of Chancery or Court of Exchequer, or otherwise by any means whatsoever, to receive or take upon him or them respectively the Order or Dignity of Knighthood, nor shall suffer or undergo any fine, trouble or molestation whatsoever by reason or colour of his or their having not received or taken upon him or them the said Order or Dignity ; and that all and every writ or process whatsoever, and all and every proceeding which shall hereafter be had or made contrary to the intent of this Act, shall be deemed and adjudged to be utterly void ; and that all and every process, proceeding, and charge now depending by reason or colour of the said pretended custom or writs aforesaid, or of any the dependents thereof, shall from henceforth cease, and stand, be and remain discharged and utterly void, any former law or custom, or any pretence of any former law or custom or any other matter whatsoever to the contrary in any wise notwithstanding.

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### The Grand Remonstrance, with the Petition accompanying It

to Charles I., December 1, 1641. Rushworth, iv. 438. The whole reprinted in Gardiner, 202-232.)

Gracious Sovereign,

Your Majesty's most humble and faithful subjects the Commons present Parliament assembled, do with much thank- and joy acknowledge the great mercy and favour of God, your Majesty a safe and peaceable return out of Scotland kingdom of England, where the pressing dangers and of the State have caused us with much earnestness to comfort of your gracious presence, and likewise the justice of your royal authority, to give more life and the dutiful and loyal counsels and endeavours of your Parliament for the prevention of that eminent ruin and destruction our kingdoms of England and Scotland are threatened. which we owe to your Majesty and our country, cannot but very sensible and apprehensive, that the multiplicity, sharp- malignity of those evils under which we have now many years to be and cherish. I by a corrupt and ill-affected

advantage and increase of Popery, is composed, set up, and acted by the subtle practice of the Jesuits and other engineers and factors for Rome, and to the great danger of this kingdom, and most grievous affliction of your loyal subjects, have so far prevailed as to corrupt divers of your Bishops and others in prime places of the Church, and also to bring divers of these instruments to be of your Privy Council, and other employments of trust and nearness about your Majesty, the Prince, and the rest of your royal children.

And by this means have had such an operation in your counsel and the most important affairs and proceedings of your government, that a most dangerous division and chargeable preparation for war betwixt your kingdoms of England and Scotland, the increase of jealousies betwixt your Majesty and your most obedient subjects, the violent distraction and interruption of this Parliament, the insurrection of the Papists in your kingdom of Ireland, and bloody massacre of your people, have been not only endeavoured and attempted, but in a great measure compassed and effected.

For preventing the final accomplishment whereof, your poor subjects are enforced to engage their persons and estates to the maintaining of a very expensive and dangerous war, notwithstanding they have already since the beginning of this Parliament undergone the charge of £150,000 sterling, or thereabouts, for the necessary support and supply of your Majesty in these present and perilous designs. And because all our most faithful endeavours and engagements will be ineffectual for the peace, safety and preservation of your Majesty and your people, if some present, real and effectual course be not taken for suppressing this wicked and malignant party : —

We, your most humble and obedient subjects, do with all faithfulness and humility beseech your Majesty, —

1. That you will be graciously pleased to concur with the humble desires of your people in a parliamentary way, for the preserving the peace and safety of the kingdom from the malicious designs of the Popish party : —

For depriving the Bishops of their votes in Parliament, and abridging their immoderate power usurped over the Clergy, and other your good subjects, which they have perniciously abused to the hazard of religion, and great prejudice and oppression of the laws of the kingdom, and just liberty of your people : —

For the taking away such oppressions in religion, Church government and discipline, as have been brought in and fomented by them : —



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uniting all such your loyal subjects together as join in the fundamental truths against the Papists, by removing some customs and unnecessary ceremonies by which divers weak persons have been scrupled, and seem to be divided from the people for the due execution of those good laws which have been made for securing the liberty of your subjects.

That your Majesty will likewise be pleased to remove from your Council all such as persist to favour and promote any of the oppressures and corruptions wherewith your people have been afflicted, and that for the future your Majesty will vouchsafe to employ such persons in your great and public affairs, and to take care to be near you in places of trust, as your Parliament may be disposed to confide in, that in your princely goodness to your people you will reject and refuse all mediation and solicitation to the contrary, how powerful and near soever.

That you will be pleased to forbear to alienate any of the crown and escheated lands in Ireland which shall accrue to the crown by reason of this rebellion, that out of them the rebels may be the better supported, and some satisfaction made to the subjects of this kingdom for the great expenses they are to undergo [in] this war.

That the humble desires of ours being graciously fulfilled by your Majesty we will, by the blessing and favour of God, most cheer-

mission to some choice men named in Parliament, who may take notice of their increase, their counsels and proceedings, and use all due means by execution of the laws to prevent all mischievous designs against the peace and safety of this kingdom.

194. Thus some good course be taken to discover the counterfeit and false conformity of Papists to the Church, by colour whereof persons very much disaffected to the true religion have been admitted into place of greatest authority and trust in the kingdom.

195. For the better preservation of the laws and liberties of the kingdom, that all illegal grievances and exactions be presented and punished at the sessions and assizes.

196. And that Judges and Justices be very careful to give this in charge to the grand jury, and both the Sheriff and Justices to be sworn to the due execution of the Petition of Right and other laws.

197. That His Majesty be humbly petitioned by both Houses to employ such counsellors, ambassadors and other ministers, in managing his business at home and abroad, as the Parliament may have cause to confide in, without which we cannot give His Majesty such supplies for support of his own estate, nor such assistance to the Protestant party beyond the sea, as is desired.

198. It may often fall out that the Commons may have just cause to take exceptions at some men for being councillors, and yet not charge those men with crimes, for there be grounds of diffidence which lie not in proof.

199. There are others, which though they may be proved, yet are not legally criminal.

200. To be a known favourer of Papists, or to have been very forward in defending or countenancing some great offenders questioned in Parliament ; or to speak contemptuously of either Houses of Parliament or Parliamentary proceedings.

201. Or such as are factors or agents for any foreign prince of another religion ; such are justly suspected to get councillors' places, or any other of trust concerning public employment for money ; for all these and divers others we may have great reason to be earnest with His Majesty, not to put his great affairs into such hands, though we may be unwilling to proceed against them in any legal way of charge or impeachment.

202. That all Councillors of State may be sworn to observe those laws which concern the subject in his liberty, that they may likewise take an oath not to receive or give reward or pension from any foreign prince, but such as they shall within some reasonable time discover to the Lords of His Majesty's Council.

203. And although they should wickedly forswear themselves, yet it may herein do good to make them known to be false and perjured to those who employ them, and thereby bring them into as little credit with them as with us.

204. That His Majesty may have cause to be in love with good counsel and good men, by showing him in an humble and dutiful manner how full of advantage it would be to himself, to see his own estate settled in a plentiful condition to support his honour; to see his people united in ways of duty to him, and endeavours of the public good; to see happiness, wealth, peace and safety derived to his own kingdom, and procured to his allies, by the influence of his own power and government.

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## 205. The King's Answer to the Petition Accompanying the Grand Remonstrance

(1641, December 23. Rushworth, iv. 452. Gardiner, 233-236.)

WE having received from you, soon after our return out of Scotland, a long petition consisting of many desires of great moment, together with a declaration of a very unusual nature annexed thereunto, we had taken some time to consider of it, as befitted us in a matter of that consequence, being confident that your own reason and regard to us, as well as our express intimation by our comptroller to that purpose, would have restrained you from the publishing of it till such time as you should have received our answer to it; but, much against our expectation, finding the contrary, that the said declaration is already abroad in print, by directions from your House as appears by the printed copy, we must let you know that we are very sensible of the disrespect. Notwithstanding, it is our intention that no failing on your part shall make us fail in ours of giving all due satisfaction to the desires of our people in a parliamentary way; and therefore we send you this answer to your petition, reserving ourself in point of the declaration which we think unparliamentary, and shall take a course to do that which we shall think fit in prudence and honour.

To the petition, we say that although there are divers things in the preamble of it which we are so far from admitting that we profess we cannot at all understand them, as 'of a wicked and malignant party prevalent in the government'; of 'some of that party admitted to our Privy Council and to other employments of trust,

and nearest to us and our children' ; of 'endeavours to sow among the people false scandals and imputations, to blemish and disgrace the proceedings of the Parliament' ; all, or any of them, did we know of, we should be as ready to remedy and punish as you to complain of, so that the prayers of your petition are grounded upon such premises as we must in no wise admit ; yet, notwithstanding, we are pleased to give this answer to you.

To the first, concerning religion, consisting of several branches, we say that, for preserving the peace and safety of this kingdom from the design of the Popish party, we have, and will still, concur with all the just desires of our people in a parliamentary way : that, for the depriving of the Bishops of their votes in Parliament, we would have you consider that their right is grounded upon the fundamental law of the kingdom and constitution of Parliament. This we would have you consider ; but since you desire our concurrence herein in a parliamentary way, we will give no further answer at this time.

As for the abridging of the inordinate power of the clergy, we conceive that the taking away of the High Commission Court hath well moderated that ; but if there continue any usurpations or excesses in their jurisdictions, we therein neither have nor will protect them.

Unto that clause which concerneth corruptions (as you style them) in religion, in Church government, and in discipline, and the removing of such unnecessary ceremonies as weak consciences might check at : that for any illegal innovations which may have crept in, we shall willingly concur in the removal of them : that, if our Parliament shall advise us to call a national synod, which may duly examine such ceremonies as give just cause of offence to any, we shall take it into consideration, and apply ourself to give due satisfaction therein ; but we are very sorry to hear, in such general terms, corruption in religion objected, since we are persuaded in our conscience that no Church can be found upon the earth that professeth the true religion with more purity of doctrine than the Church of England doth, nor where the government and discipline are jointly more beautified and free from superstition ; then as they are here established by law, which, by the grace of God, we will with constancy maintain (while we live) in their purity and glory, not only against all invasions of Popery, but also from the irreverence of those many schismatics and separatists, wherewith of late this kingdom and this city abounds, to the great dishonour and hazard both of Church and State, for the suppression of whom we require your timely aid and active assistance.

To the second prayer of the petition, concerning the removal and choice of councillors, we know not any of our Council to whom the character set forth in the petition can belong : that by those whom we had exposed to trial, we have already given you sufficient testimony that there is no man so near unto us in place or affection, whom we will not leave to the justice of the law, if you shall bring a particular charge and sufficient proofs against him ; and of this we do again assure you, but in the meantime we wish you to forbear such general aspersions as may reflect upon all our Council, since you name none in particular.

That for the choice of our councillors and ministers of state, it were to debar us that natural liberty all freemen have ; and as it is the undoubted right of the Crown of England to call such persons to our secret counsels, to public employment and our particular service as we shall think fit, so we are, and ever shall be, very careful to make election of such persons in those places of trust as shall have given good testimonies of their abilities and integrity, and against whom there can be no just cause of exception whereon reasonably to ground a diffidence ; and to choices of this nature, we assure you that the mediation of the nearest unto us hath always concurred.

To the third prayer of your petition concerning Ireland, we understand your desire of not alienating the forfeited lands thereof, to proceed from much care and love, and likewise that it may be a resolution very fit for us to take ; but whether it be seasonable to declare resolutions of that nature before the events of a war be seen, that we much doubt of. Howsoever, we cannot but thank you for this care, and your cheerful engagement for the suppression of that rebellion ; upon the speedy effecting whereof, the glory of God in the Protestant profession, the safety of the British there, our honour, and that of the nation, so much depends : all the interests of this kingdom being so involved in that business, we cannot but quicken your affections therein, and shall desire you to frame your counsels, to give such expedition to the work as the nature thereof, and the pressures in point of time require ; and whereof you are put in mind by the daily insolence and increase of those rebels.

For conclusion, your promise to apply yourselves to such courses as may support our royal estate with honour and plenty at home, and with power and reputation abroad, is that which we have ever promised ourself, both from your loyalties and affections, and also for what we have already done, and shall daily go adding unto, for the comfort and happiness of our people.

## 206. The Clerical Disabilities Act

(1643, February 13. 16 Charles I. c. 27. 5 S. R. 158. Gardiner, 241-242. G. and H. 564.)

**W**HEREAS Bishops and other persons in Holy Orders ought not to be entangled with secular jurisdiction, the office of the ministry being of such great importance that it will take up the whole man; and for that it is found by long experience that their intermeddling with secular jurisdictions hath occasioned great mischiefs and scandals both to Church and State; His Majesty, out of his religious care of the Church, and souls of his people, is graciously pleased that it be enacted, and by authority of this present Parliament be it enacted, that no Archbishop or Bishop or other person that now is or hereafter shall be in Holy Orders, shall at any time after the fifteenth day of February, in the year of Our Lord one thousand six hundred forty-one, have any seat or place, suffrage, or voice, or use, or execute any power or authority in the Parliaments of this realm, nor shall be of the Privy Council of His Majesty, his heirs or successors, or Justice of the Peace, of *oyer* and *terminer*, or gaol delivery, or execute any temporal authority by virtue of any commission, but shall be wholly disabled and be incapable to have, receive, use or execute any of the said offices, places, powers, authorities and things aforesaid.

II. And be it further enacted by the authority aforesaid, that all acts from and after the said 15th day of February, which shall be done or executed by any Archbishop or Bishop, or other person whatsoever in Holy Orders, and all and every suffrage or voice given or delivered by them or any of them, or other thing done by them or any of them contrary to the purport and true meaning of this present Act, shall be utterly void to all intents, constructions and purposes.

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## 207. The Solemn League and Covenant

(Taken by the House of Commons, September 25, 1643. Rushworth, v. 478. Cobbett's Parliamentary History, iii. 169. Gardiner, 267-271. G. and H. 569-574.)

**W**E, noblemen, barons, knights, gentlemen, citizens, burgesses, ministers of the Gospel, and commons of all sorts, in the kingdoms of England, Scotland and Ireland, by the providence of God living under one King, and being of one reformed reli-

gion ; having before our eyes the glory of God, and the advancement of the kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the King's Majesty and his posterity, and the true public liberty, safety and peace of the kingdoms, wherein every one's private condition is included ; and calling to mind the treacherous and bloody plots, conspiracies, attempts and practices of the enemies of God against the true religion and professors thereof in all places, especially in these three kingdoms, ever since the reformation of religion ; and how much their rage, power and presumption are of late, and at this time, increased and exercised, whereof the deplorable estate of the Church and kingdom of Ireland, the distressed estate of the Church and kingdom of England, and the dangerous estate of the Church and kingdom of Scotland, are present and public testimonies : we have (now at last) after other means of supplication, remonstrance, protestations and sufferings, for the preservation of ourselves and our religion from utter ruin and destruction, according to the commendable practice of these kingdoms in former times, and the example of God's people in other nations, after mature deliberation, resolved and determined to enter into a mutual and solemn league and covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most high God, do swear :

I. That we shall sincerely, really and constantly, through the grace of God, endeavour in our several places and callings, the preservation of the reformed religion in the Church of Scotland, in doctrine, worship, discipline and government, against our common enemies ; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline and government, according to the Word of God, and the example of the best reformed Churches ; and we shall endeavour to bring the Churches of God in the three kingdoms to the nearest conjunction and uniformity in religion, confession of faith, form of Church government, directory for worship and catechising, that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us.

II. That we shall in like manner, without respect of persons, endeavour the extirpation of Popery, Prelacy (that is, Church government by Archbishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other ecclesiastical officers depending on that hierarchy), superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine and the power of godliness, lest we partake in other men's sins, and thereby be in danger to

receive of their plagues ; and that the Lord may be one, and His name one in the three kingdoms.

III. We shall with the same sincerity, reality and constancy, in our several vocations, endeavour with our estates and lives mutually to preserve the rights and privileges of the Parliaments, and the liberties of the kingdoms, and to preserve and defend the King's Majesty's person and authority, in the preservation and defence of the true religion and liberties of the kingdoms, that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish His Majesty's just power and greatness.

IV. We shall also with all faithfulness endeavour the discovery of all such as have been or shall be incendiaries, malignants or evil instruments, by hindering the reformation of religion, dividing the King from his people, or one of the kingdoms from another, or making any faction or parties amongst the people, contrary to the league and covenant, that they may be brought to public trial and receive condign punishment, as the degree of their offences shall require or deserve, or the supreme judicatories of both kingdoms respectively, or others having power from them for that effect, shall judge convenient.

V. And whereas the happiness of a blessed peace between these kingdoms, denied in former times to our progenitors, is by the good providence of God granted to us, and hath been lately concluded and settled by both Parliaments : we shall each one of us, according to our places and interest, endeavour that they may remain conjoined in a firm peace and union to all posterity, and that justice may be done upon the wilful opposers thereof, in manner expressed in the precedent article.

VI. We shall also, according to our places and callings, in this common cause of religion, liberty and peace of the kingdoms, assist and defend all those that enter into this league and covenant, in the maintaining and pursuing thereof ; and shall not suffer ourselves, directly or indirectly, by whatsoever combination, persuasion or terror, to be divided and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or give ourselves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the kingdoms, and the honour of the King ; but shall all the days of our lives zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever ; and what we are not able ourselves to suppress or overcome we shall reveal



and make known, that it may be timely prevented or removed: all which we shall do as in the sight of God.

And because these kingdoms are guilty of many sins and provocations against God, and His Son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof: we profess and declare, before God and the world, our unfeigned desire to be humbled for our own sins, and for the sins of these kingdoms; especially that we have not as we ought valued the inestimable benefit of the Gospel; that we have not laboured for the purity and power thereof; and that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of Him in our lives, which are the causes of other sins and transgressions so much abounding amongst us; and our true and unfeigned purpose, desire and endeavour, for ourselves and all others under our power and charge, both in public and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation, that the Lord may turn away His wrath and heavy indignation, and establish these Churches and kingdoms in truth and peace. And this covenant we make in the presence of Almighty God, the Searcher of all hearts, with a true intention to perform the same, as we shall answer at that Great Day when the secrets of all hearts shall be disclosed: most humbly beseeching the Lord to strengthen us by His Holy Spirit for this end, and to bless our desires and proceedings with such success as may be a deliverance and safety to His people, and encouragement to the Christian Churches groaning under or in danger of the yoke of Antichristian tyranny, to join in the same or like association and covenant, to the glory of God, the enlargement of the kingdom of Jesus Christ, and the peace and tranquillity of Christian kingdoms and commonwealths.

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## 208. Ordinance appointing the First Committee of both Kingdoms

(1643, February 16. Cobbett's Parliamentary History, iii. 248. Gardiner, 271-273.)

**W**HEREAS, by the covenant and treaty ratified and established between the two kingdoms of England and Scotland, both nations are engaged in one common cause against the enemies of their religion and liberties, and, by the late entrance of the Scottish forces into this kingdom in pursuance hereof, are

firmly united in a joint posture of arms for their own necessary defence, and for the attaining of the ends expressed in the covenant and treaty :

And whereas both kingdoms have thought it necessary that they should be joined in their counsels as well as in their forces, and, in pursuance thereof, the Convention of the Estates of Scotland have appointed Committees, residing in Scotland and in the Scottish army, and have sent some of the said Committees as Commissioners for the purposes aforesaid, to repair unto and to reside near the Parliament, who, since their arrival, have presented their commission and powers, with their earnest desire that the Parliament would lay down some speedy and constant way of communicating the desires and joining the counsels of both kingdoms, in pursuance of the covenant, treaty and common interests of His Majesty's dominions.

In consideration hereof, the Lords and Commons do nominate, ordain and appoint Algernon, Earl of Northumberland, Robert, Earl of Essex (Lord General), Robert, Earl of Warwick (Lord Admiral), Edward, Earl of Manchester, William, Viscount Say and Sele, Philip, Lord Wharton, John, Lord Robarts, William Pierpoint, Sir Henry Vane (senior), Sir Philip Stapleton, Sir William Waller, Sir Gilbert Gerrard, Sir William Armyne, Sir Arthur Haslerigg, Sir Henry Vane (junior), John Crewe, Robert Wallop, Oliver St. John (Solicitor-General), Oliver Cromwell, Samuel Browne and John Glynn (Recorder), or any six of them, whereof one Lord and two Commoners, to treat with the Committees and Commissioners appointed by our brethren of Scotland, in such things as shall by them be propounded from and in the name of the kingdom of Scotland, for the ends aforesaid ; as likewise to propound to the Committees and Commissioners of Scotland whatever they shall receive in charge from both Houses, and, from time to time, to advise and consult concerning the same, and report the results to both Houses.

And further power and authority is hereby given to them, or any six of them, whereof one Lord and two Commoners, as a joint Committee with the Committees and Commissioners of Scotland, to advise, consult, order and direct, concerning the carrying on and managing of the war for the best advantage of the three kingdoms, and the keeping a good intelligence between the three kingdoms, their forces, committees and counsels ; and likewise with power to hold good correspondence and intelligence with foreign States ; and further to advise and consult of all things in pursuance of the ends in the covenant and treaty.

Provided always, that nothing in this Ordinance shall authorise the Committee hereby appointed to advise, treat or consult concerning any cessation of arms or making peace, without express directions from both Houses of Parliament.

And lastly, the said Committee are to observe such orders and directions as they, from time to time, shall receive from both Houses of Parliament; provided also, that this Ordinance shall continue for three months and no longer.

## 209. The Self-denying Ordinance

1645, April 4. Rushworth, vi. 16. Gardiner, 287, 288.)

**B**E it ordained by the Lords and Commons assembled in Parliament, that all and every of the members of either House of Parliament shall be, and by authority of this Ordinance are, discharged at the end of forty days after the passing of this Ordinance, of and from all and every office or command military or civil, granted or conferred by both or either of the said Houses of this present Parliament, or by any authority derived from both or either of them since the 20th day of November, 1640.

And be it further ordained, that all other governors and commanders of an island, town, castle or fort, and all other colonels and officers inferior to colonels in the several armies, not being members of either of the Houses of Parliament, shall, according to their respective commissions, continue in their several places and commands, wherein they were employed and intrusted the 20th day of March, 1644, as if this Ordinance had not been made. And that ~~the~~ vice-admiral, rear-admiral, and all other captains and other inferior officers in the fleet, shall, according to their several and respective commissions, continue in their several places and commands, wherein they were employed and entrusted the said 20th day of March, as if this Ordinance had not been made.

Provided always, and it is further ordained and declared, that during this war, the benefit of all offices, being neither military nor judicial, hereafter to be granted, or any way to be appointed to any person or persons by both or either House of Parliament, or by authority derived from thence, shall go and inure to such public uses as both Houses of Parliament shall appoint. And the grantees and persons executing all such offices shall be accountable to the Parliament for all the profits and perquisites thereof,

and shall have no profit out of any such office, other than a competent salary for the execution of the same, in such manner as both Houses of Parliament shall order and ordain.

Provided that this Ordinance shall not extend to take away the power and authority of any Lieutenancy or Deputy-Lieutenancy in the several counties, cities or places, or of any *Custos Rotulorum*, or of any commission for Justice of Peace, or sewers, or any commission of *Oyer* and *Terminer*, or gaol-delivery.

Provided always, and it is hereby declared, that those members of either House who had offices by grant from His Majesty before this Parliament, and were by His Majesty displaced sitting this Parliament, and have since by authority of both Houses been restored, shall not by this Ordinance be discharged from their said offices or profits thereof, but shall enjoy the same ; anything in this Ordinance to the contrary thereof notwithstanding.

## 210. Act erecting a High Court of Justice for the Trial of Charles I

(Passed the Commons, January 6, 1648. Rushworth, viii. 1379.)

WHEREAS it is notorious that Charles Stuart, the now King of England, not content with those many encroachments which his predecessors had made upon the people in their rights and freedoms, hath had a wicked design totally to subvert the ancient and fundamental laws and liberties of this nation, and in their place to introduce an arbitrary and tyrannical government, and that besides all other evil ways and means to bring this design to pass, he hath prosecuted it with fire and sword, levied and maintained a civil war in the land, against the Parliament and kingdom ; whereby the country hath been miserably wasted, the public treasure exhausted, trade decayed, thousands of people murdered, and infinite other mischiefs committed ; for all which high and treasonable offences the said Charles Stuart might long since justly have been brought to exemplary and condign punishment : whereas also the Parliament, well hoping that the restraint and imprisonment of his person, after it had pleased God to deliver him into their hands, would have quieted the distempers of the kingdom, did forbear to proceed judicially against him, but found, by sad experience, that such their remissness served only to encourage him and his accomplices in the continuance of their evil prac-

tices, and in raising new commotions, rebellions and invasions : for prevention therefore of the like or greater inconveniences, and to the end no Chief Officer or Magistrate whatsoever may hereafter presume, traitorously and maliciously, to imagine or contrive the enslaving or destroying of the English nation, and to expect impunity for so doing ; be it enacted and ordained by the Commons in Parliament and it is hereby enacted and ordained by the authority thereof, that Thomas, Lord Fairfax, Oliver Cromwell, Henry Ireton [ \* \* \* 135 names in all ], shall be and are hereby appointed and required to be Commissioners and Judges for the hearing, trying and adjudging of the said Charles Stuart ; and the said Commissioners, or any twenty or more of them, shall be, and are hereby authorised and constituted an High Court of Justice, to meet and sit at such convenient time and place as by the said Commissioners, or the major part of twenty or more of them, under their hands and seals, shall be appointed and notified by public proclamation in the Great Hall or Palace Yard of Westminster ; and to adjourn from time to time, and from place to place, as the said High Court, or the major part thereof meeting, shall hold fit ; and to take order for the charging of him, the said Charles Stuart, with the crimes and treasons above mentioned, and for receiving his personal answer thereunto, and for examination of witnesses upon oath (which the Court hath hereby authority to administer) or otherwise, and taking any other evidence concerning the same ; and thereupon, or in default of such answer, to proceed to final sentence according to justice and the merit of the cause ; and such final sentence to execute, or cause be to executed, speedily and impartially.

And the said Court is hereby authorised and required to appoint and direct all such officers, attendants and other circumstances as they, or the major part of them, shall in any sort judge necessary or useful for the orderly and good managing of the premises. And Thomas, Lord Fairfax, the General, and all officers and soldiers under his command, and all officers of justice, and other well-affected persons, are hereby authorised and required to be aiding and assisting unto the said Court in the due execution of the trust hereby committed. Provided that this Act, and the authority hereby granted, do continue in force for the space of one month from the date of the making hereof, and no longer.

## 211. Sentence of the High Court of Justice upon Charles I

(1648, January 27. Rushworth, viii. 1420. Gardiner, 377-380.)

**W**HEREAS the Commons of England assembled in Parliament, have by their late Act entitled 'An Act of the Commons of England, assembled in Parliament, for erecting an High Court of Justice for the trying and judging of Charles Stuart, King of England,' authorised and constituted us an High Court of Justice for the trying and judging of the said Charles Stuart for the crimes and treasons in the said Act mentioned; by virtue whereof the said Charles Stuart hath been three several times convented before this High Court, where the first day, being Saturday, the 20th of January, instant, in pursuance of the said Act, a charge of high treason and other high crimes was, in the behalf of the people of England, exhibited against him, and read openly unto him, wherein he was charged, that he, the said Charles Stuart, being admitted King of England, and therein trusted with a limited power to govern by, and according to the law of the land, and not otherwise; and by his trust, oath, and office, being obliged to use the power committed to him for the good and benefit of the people, and for the preservation of their rights and liberties; yet, nevertheless, out of a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his will, and to overthrow the rights and liberties of the people, and to take away and make void the foundations thereof, and of all redress and remedy of misgovernment, which by the fundamental constitutions of this kingdom were reserved on the people's behalf in the right and power of frequent and successive Parliaments, or national meetings in Council; he, the said Charles Stuart, for accomplishment of such his designs, and for the protecting of himself and his adherents in his and their wicked practices, to the same end hath traitorously and maliciously levied war against the present Parliament and people therein represented, as with the circumstances of time and place is in the said charge more particularly set forth; and that he hath thereby caused and procured many thousands of the free people of this nation to be slain; and by divisions, parties, and insurrections within this land, by invasions from foreign parts, endeavoured and procured by him, and by many other evil ways and means, he, the said Charles Stuart,

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only maintained and carried on the said war both by sea and land, but also hath renewed, or caused to be renewed, the said war against the Parliament and good people of this nation in this year 1648, in several counties and places in this kingdom in several places specified; and that he hath for that purpose given his commission to his son, the Prince, and others, whereby, besides the commissions of other persons, many such as were by the Parliament appointed, and employed for the safety of this nation, being by him corrupted, to the betraying of their trust, and revolted from the Parliament, have had entertainment and commission for the continuing and renewing of the war and hostility against the Parliament and people: and that by the said cruel and bloody war so levied, continued and renewed, much innocent blood of the free people of this nation hath been spilt, many lives undone, the public treasure wasted, trade obstructed and decayed, vast expense and damage to the nation incurred, and many parts of the land spoiled, some of them even to desolation: and that he still continues his commission to his said son, the Prince, to rebels and revolters, both English and foreigners, and to the Earl of Ormond, and to the Irish rebels and revolters associated with him, from whom further invasions of this land are to be expected by his procurement and on his behalf; and that all the wicked designs, wars, and evil practices of him, the said

macy, and for the matters contained against him in the said charge, as taking the same for confessed, in regard of his refusing to answer thereto. Yet notwithstanding this Court (not willing to take advantage of his contempt) did once more require him to answer to the said charge ; but he again refused so to do ; upon which his several defaults, this Court might justly have proceeded to judgment against him, both for his contumacy and the matters of the charge, taking the same for confessed as aforesaid.

Yet nevertheless this Court, for its own clearer information and further satisfaction, have thought fit to examine witnesses upon oath, and take notice of other evidences, touching the matters contained in the said charge, which accordingly they have done.

Now, therefore, upon serious and mature deliberation of the premises, and consideration had of the notoriety of the matters of fact charged upon him as aforesaid, this Court is in judgment and conscience satisfied that he, the said Charles Stuart, is guilty of levying war against the said Parliament and people, and maintaining and continuing the same ; for which in the said charge he stands accused, and by the general course of his government, counsels, and practices, before and since this Parliament began (which have been and are notorious and public, and the effects whereof remain abundantly upon record) this Court is fully satisfied in their judgments and consciences, that he has been and is guilty of the wicked designs and endeavours in the said charge set forth ; and that the said war hath been levied, maintained, and continued by him as aforesaid, in prosecution, and for accomplishment of the said designs ; and that he hath been and is the occasioner, author, and continuer of the said unnatural, cruel, and bloody wars, and therein guilty of high treason, and of the murders, rapines, burnings, spoils, desolations, damage, and mischief to this nation acted and committed in the said war, and occasioned thereby. For all which treasons and crimes this Court doth adjudge that he, the said Charles Stuart, as a tyrant, traitor, murderer, and public enemy to the good people of this nation, shall be put to death by the severing of his head from his body.



## 212. The Death Warrant of Charles I

(1648, January 29. Rushworth, viii. 1426. Gardiner, 380.)

*At the High Court of Justice for the trying and judging of Charles Stuart, King of England, Jan. 29, Anno Domini 1648.*

WHEREAS Charles Stuart, King of England, is, and standeth convicted, attainted, and condemned of high treason, and other high crimes ; and sentence upon Saturday last was pronounced against him by this Court, to be put to death by the severing of his head from his body ; of which sentence, execution yet remaineth to be done : these are therefore to will and require you to see the said sentence executed in the open street before Whitehall, upon the morrow, being the thirtieth day of this instant month of January, between the hours of ten in the morning and five in the afternoon of the same day, with full effect. And for so doing this shall be your sufficient warrant. And these are to require all officers, soldiers, and others, the good people of this nation of England, to be assisting unto you in this service.

To Col. Francis Hacker, Col. Huncks, and Lieut-Col. Phayre, and to every of them.

Given under our hands and seals.

JOHN BRADSHAW.

THOMAS GREY.

OLIVER CROMWELL.

[ \* \* \* 59 names in all.]

## 213. Act appointing a Council of State

(1648, February 13, 14. Cobbett's Parliamentary History, iii. 1288. Gardiner 381-383.)

BE it ordained and enacted by this present Parliament that Basil, Earl of Denbigh, Edmund, Earl of Mulgrave [ \* \* \* 41 names in all], or any nine of them, shall be a Council of State, and have hereby power, and are authorised to put in execution the following instructions.

1. You are hereby authorised and required to oppose and suppress whomsoever shall endeavour or go about to set up or main-

tain the pretended title of Charles Stuart, eldest son to the late King, or any other of the said late King's issue, or claiming under him or them, or the pretended title or claim of any other single person whomsoever to the Crown of England or Ireland, dominion of Wales, or to any of the dominions or territories to them or either of them belonging.

2. You are hereby authorised and empowered to order and direct all the militias and forces both by sea and land of England and Ireland and the dominions to them or either of them belonging, for preserving the peace or safety thereof, and for preventing, resisting, and suppressing all tumults and insurrections that shall happen to rise in them or either of them, or any invasions of them from abroad: and also upon any emergencies to raise and arm such forces as you shall judge necessary for the ends above expressed; and to give commissions under the seal of the Council to such officers as you shall judge necessary for the leading, conducting and commanding of the said forces; and for the prosecution and pursuance of these instructions, or of any other instructions you shall receive from the Parliament.

3. You are hereby authorised and required to use all good ways and means for the reducing of Ireland, the isles of Jersey, Guernsey, Scilly, and the Isle of Man, and all other parts and places belonging to the Commonwealth of England, not yet reduced.

4. You shall take care that the stores and magazines of all military provisions both for the land service and for the sea be from time to time well and sufficiently furnished, and that the same be issued as you shall by warrant direct: and you are also from time to time to take care of the repair of the shipping belonging to the Commonwealth, and to build such others as you shall judge necessary for the defence and safety thereof.

5. You are to use all good ways and means for the securing, advancement, and encouragement of the trade of England and Ireland and the dominions to them belonging, and to promote the good of all foreign plantations and factories belonging to this Commonwealth or any of the natives thereof.

6. You shall advise, order, and direct concerning the entertaining, keeping, renewing, or settling of amity and a good correspondence with foreign kingdoms and states, and for preserving the rights of the people of this nation in foreign parts, and composing of their differences there: and you are hereby authorised to send ambassadors, agents, or messengers to any foreign kingdom or state, and to receive ambassadors, agents, or messengers from them for the ends aforesaid.

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you are to advise and consult of anything concerning the  
this Commonwealth, and report your opinions concerning  
as you find occasion to the Parliament.

you are hereby authorised to send for any person or persons  
to advise with them in pursuance of these or any other  
instructions that shall be given unto you.

you have hereby power and are authorised to send for any  
writings, accounts, books, or papers, that you shall think  
for information in any cause, matter or thing in agitation  
you, in pursuance of these or any other instructions that  
given you by the Parliament.

you have hereby power and are authorised in case of danger  
Commonwealth to administer an oath to any person or per-  
son for the discovery of the truth.

you are hereby authorised and empowered to send for and  
or otherwise to secure by taking bond in recognizance  
person or persons as shall be offenders against these or  
instructions which you shall receive from the Parliament ;  
such as shall contemn or be refractory to any of your com-  
missions, or orders in pursuance of the said instructions.

you have hereby power and are authorised to charge the  
fine by warrant under the seal of the Council with such  
sum of money as you shall find necessary

## 214. Act abolishing the Office of King

(1648, March 17. Scobell, ii. 7. Gardiner, 384-387.)

**W**HEREAS Charles Stuart, late King of England, Ireland, and the territories and dominions thereunto belonging, hath by authority derived from Parliament been and is hereby declared to be justly condemned, adjudged to die, and put to death, for many treasons, murders, and other heinous offences committed by him, by which judgment he stood, and is hereby declared to be, attainted of high treason, whereby his issue and posterity, and all others pretending title under him, are become incapable of the said Crown, or of being King or Queen of the said kingdom or dominions, or either or any of them; be it therefore enacted and ordained, and it is enacted, ordained, and declared by this present Parliament, and by authority thereof, that all the people of England and Ireland, and the dominions and territories thereunto belonging, of what degree or condition soever, are discharged of all fealty, homage, and allegiance which is or shall be pretended to be due unto any of the issue and posterity of the said late King, or any claiming under him; and that Charles Stuart, eldest son, and James, called Duke of York, second son, and all other the issue and posterity of him the said late King, and all and every person and persons pretending title from, by, or under him, are and be disabled to hold or enjoy the said Crown of England and Ireland, and other the dominions thereunto belonging, or any of them; or to have the name, title, style, or dignity of King or Queen of England and Ireland, Prince of Wales, or any of them; or to have and enjoy the power and dominion of the said kingdom and dominions, or any of them, or the honours, manors, lands, tenements, possessions, and hereditaments belonging or appertaining to the said Crown of England and Ireland, and other the dominions aforesaid, or to any of them; or to the Principality of Wales, Duchy of Lancaster or Cornwall, or any or either of them, any law, statute, ordinance, usage, or custom to the contrary hereof in any wise notwithstanding.

II. And whereas it is and hath been found by experience, that the office of a King in this nation and Ireland, and to have the power thereof in any single person, is unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people, and that for the most part, use hath been made of the regal power and prerogative to oppress and impoverish and enslave

the subject ; and that usually and naturally any one person in such power makes it his interest to encroach upon the just freedom and liberty of the people, and to promote the setting up of their own will and power above the laws, that so they might enslave these kingdoms to their own lust ; be it therefore enacted and ordained by this present Parliament, and by authority of the same, that the office of a King in this nation shall not henceforth reside in or be exercised by any one single person ; and that no one person whatsoever shall or may have, or hold the office, style, dignity, power, or authority of King of the said kingdoms and dominions, or any of them, or of the Prince of Wales, any law, statute, usage, or custom to the contrary thereof in any wise notwithstanding.

III. And it is hereby enacted, that if any person or persons shall endeavour to attempt by force of arms or otherwise, or be aiding, assisting, comforting, or abetting unto any person or persons that shall by any ways or means whatsoever endeavour or attempt the reviving or setting up again of any pretended right of the said Charles, eldest son to the said late King, James called Duke of York, or of any other the issue and posterity of the said late King, or of any person or persons claiming under him or them, to the said regal office, style, dignity, or authority, or to be Prince of Wales ; or the promoting of any one person whatsoever to the name, style, dignity, power, prerogative, or authority of King of England and Ireland, and dominions aforesaid, or any of them ; that then every such offence shall be deemed and adjudged high treason, and the offenders therein, their counsellors, procurers, aiders and abettors, being convicted of the said offence, or any of them, shall be deemed and adjudged traitors against the Parliament and people of England, and shall suffer, lose, and forfeit, and have such like and the same pains, forfeitures, judgments, and execution as is used in case of high treason.

IV. And whereas by the abolition of the kingly office provided for in this Act, a most happy way is made for this nation (if God see it good) to return to its just and ancient right, of being governed by its own Representatives or national meetings in council, from time to time chosen and entrusted for that purpose by the people, it is therefore resolved and declared by the Commons assembled in Parliament, that they will put a period to the sitting of this present Parliament, and dissolve the same so soon, as may possibly stand with the safety of the people that hath betrued them, and with what is absolutely necessary for the preserving and upholding the Government now settled in the way of a Commonwealth ; and that they will carefully provide for the certain choos-

ing, meeting, and sitting of the next and future Representatives, with such other circumstances of freedom in choice and equality in distribution of members to be elected thereunto, as shall most conduce to the lasting freedom and good of this Commonwealth.

V. And it is hereby further enacted and declared, notwithstanding anything contained in this Act, no person or persons of what condition and quality soever, within the commonwealth of England and Ireland, dominion of Wales, the islands of Guernsey and Jersey, and town of Berwick-upon-Tweed, shall be discharged from the obedience and subjection which he and they owe to the Government of this nation, as it is now declared, but all and every of them shall in all things render and perform the same, as of right is due unto the supreme authority hereby declared to reside in this and the successive Representatives of the people of this nation, and in them only.

## 215. Act abolishing the House of Lords

(1648, March 19. Scobell, ii. 8. Gardiner, 387, 388.)

THE Commons of England assembled in Parliament, finding by too long experience that the House of Lords is useless and dangerous to the people of England to be continued, have thought fit to ordain and enact, and be it ordained and enacted by this present Parliament, and by the authority of the same, that from henceforth the House of Lords in Parliament shall be and is hereby wholly abolished and taken away; and that the Lords shall not from henceforth meet or sit in the said House called the Lords' House, or in any other house or place whatsoever, as a House of Lords; nor shall sit, vote, advise, adjudge, or determine of any matter or thing whatsoever, as a House of Lords in Parliament: nevertheless it is hereby declared, that neither such Lords as have demeaned themselves with honour, courage, and fidelity to the Commonwealth, nor their posterities who shall continue so, shall be excluded from the public councils of the nation, but shall be admitted thereunto, and have their free vote in Parliament, if they shall be thereunto elected, as other persons of interest elected and qualified thereunto ought to have.

II. And be it further ordained and enacted by the authority aforesaid, that no Peer of this land, not being elected, qualified and sitting in Parliament as aforesaid, shall claim, have, or make

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of Parliament, either in relation to his person,  
any law, usage, or custom to the contrary not-

### Declaring England to be a Commonwealth

May 19. Scobell, ii. 30. Gardiner, 388.)

and enacted by this present Parliament, and by  
of the same, that the people of England, and  
and territories thereunto belonging, are and  
ereby constituted, made, established, and con-  
monwealth and Free State, and shall from  
rned as a Commonwealth and Free State by  
ity of this nation, the representatives of the  
t, and by such as they shall appoint and con-  
al ministers under them for the good of the  
hout any King or House of Lords.

### Declaring what Offences shall be ad- ason under the Commonwealth

17. Scobell, ii. 65. Gardiner, 388-391.)

Parliament hath abolished the kingly offices

## Act concerning Treason under Commonwealth 401

or alteration of the same, and shall declare the same by any open deed, that then every such offence shall be taken, deemed, and adjudged by authority of this Parliament to be high treason.

II. And whereas the Keepers of the liberty of England, and the Council of State, constituted, and to be from time to time constituted, by authority of Parliament, are to be under the said representatives in Parliament entrusted for the maintenance of the said Government with several powers and authorities limited, given, and appointed unto them by the Parliament: be it likewise enacted by the authority aforesaid, that if any person shall maliciously and advisedly plot or endeavour the subversion of the said Keepers of the liberty of England, or the Council of State, and the same shall declare by any open deed, or shall move any person or persons for the doing thereof, or stir up the people to rise against them, or either of them, their or either of their authorities, that then every such offence and offences shall be taken, deemed, and declared to be high treason.

III. And whereas the Parliament, for their just and lawful defence, hath raised and levied the army and forces now under the command of Thomas, Lord Fairfax, and are at present necessitated, by reason of the manifold distractions within this Commonwealth, and invasions threatened from abroad, to continue the same, which under God must be the instrumental means of preserving the well-affected people of this nation in peace and safety; be it further enacted by the authority aforesaid, that if any person, not being an officer, soldier, or member of the army, shall plot, contrive, or endeavour to stir up any mutiny in the said army, or withdraw any soldiers or officers from their obedience to their superior officers, or from the present Government as aforesaid; or shall procure, invite, aid, or assist any foreigners or strangers to invade England or Ireland; or shall adhere to any forces raised by the enemies of the Parliament or Commonwealth, or Keepers of the liberty of England; or if any person shall counterfeit the Great Seal of England, for the time being, used and appointed by authority of Parliament; that then every such offence and offences shall be taken, deemed, and declared by authority of this Parliament to be high treason, and every such persons shall suffer pains of death; and also forfeit unto the Keepers of the liberty of England, to and for the use of the Commonwealth, all and singular his and their lands, tenements and hereditaments, goods and chattels, as in case of high treason hath been used by the laws and statutes of this land to be forfeit and lost.

IV. Provided always, that no persons shall be indicted and



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for any of the offences mentioned in this Act, unless  
ers shall be indicted and prosecuted for the same within  
ter the offence committed.

be it further enacted by the authority aforesaid, that  
on shall counterfeit the money of this Commonwealth,  
ng any false money into this land, counterfeit or other,  
money of this Commonwealth, knowing the money to  
merchandise or make payment, in deceit of the people  
on; or if any person shall hereafter falsely forge and  
any such kind of coin of gold or silver, as is not the  
of this Commonwealth, and is or shall be current within  
by consent of the Parliament, or such as shall be by  
rised thereunto; or shall bring from the parts beyond  
to this Commonwealth, or into any the dominions of  
ny such false and counterfeit coin of money, being cur-  
the same, as is above said, knowing the same money  
and counterfeit, to the intent to utter or make payment  
same within this Commonwealth, by merchandise or  
or if any person shall impair, diminish, falsify, clip,  
d or file, scale or lighten, for wicked lucre or gain's  
e proper monies or coins of this Commonwealth, or the  
thereof, or of the monies or coins of any other realm,  
ffered to be current with n this Commonwealth, or

## 218. Declaration by Oliver Cromwell and the Council of Officers after putting an End to the Long Parliament

(1653, April 22. Cobbett's Parliamentary History, iii. 1386. Gardiner, 400-404.)

**O**UR intention is not to give an account, at this time, of the grounds which first moved us to take up arms, and engage our lives and all that was dear unto us in this cause ; nor to mind, in this declaration, the various dispensations through which Divine Providence hath led us, or the witness the Lord hath borne, and the many signal testimonies of acceptance which He hath given, to the sincere endeavours of His unworthy servants, whilst they were contesting with the many and great difficulties, as well in the wars, as other transactions in the three nations ; being necessitated, for the defence of the same cause they first asserted, to have recourse unto extraordinary actions, the same being evident by former declarations published on that behalf.

After it had pleased God not only to reduce Ireland and give in Scotland, but so marvellously to appear for His people at Worcester, that these nations were reduced to a great degree of peace, and England to perfect quiet, and thereby the Parliament had opportunity to give the people the harvest of all their labour, blood, and treasure, and to settle a due liberty both in reference to civil and spiritual things, whereunto they were obliged by their duty, their engagements, as also the great and wonderful things which God hath wrought for them ; it was matter of much grief to the good and well-affected of the land to observe the little progress which was made therein, who thereupon applied to the army, expecting redress by their means ; notwithstanding which, the army being unwilling to meddle with the civil authority in matters so properly appertaining to it, it was agreed, that his Excellency and officers of the army which were members of Parliament, should be desired to move the Parliament to proceed vigorously in reforming what was amiss in government, and to the settling of the Commonwealth upon a foundation of justice and righteousness ; which having done, we hoped that the Parliament would seasonably have answered our expectation : but finding, to our grief, delays therein, we renewed our desires in an humble petition to them, which was presented in August last ; and although they at that time, signifying

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and acceptance thereof, returned us thanks and referred the  
matters thereof to a Committee of the House, yet no considera-  
tion was produced, nor any such progress made, as might  
show their real intentions to accomplish what was petitioned for:  
on the contrary, there more and more appeared amongst  
them an aversion to the things themselves, with much bitterness  
of opposition to the people of God, and His spirit acting in  
the Church grew so prevalent, that those persons of honour and  
authority amongst them, who had eminently appeared for God and  
the good, both before and throughout this war, were ren-  
dered of no further use in Parliament, than by meeting with a cor-  
ruption to give them countenance to carry on their ends, and  
satisfying the desire they had of perpetuating themselves in the  
present government, for which purpose the said party long op-  
posed and frequently declared themselves against having a new  
Parliament: and when they saw themselves necessitated to take  
the matter into consideration, they resolved to make use of it to  
bring the House with persons of the same spirit and temper,  
to perpetuate their own sitting, which intention divers of  
the best amongst them did manifest, labouring to persuade  
to a consent therein: and the better to effect this, divers  
preparing from several counties for the continuance of  
the war, were encouraged, if not set on foot, by many of

Commonwealth had been so long engaged in, and to establish righteousness and peace in these nations.

And after much debate it was judged necessary, and agreed upon, that the supreme authority should be, by the Parliament, devolved upon known persons, men fearing God, and of approved integrity; and the government of the Commonwealth committed unto them for a time, as the most hopeful way to encourage and countenance all God's people, reform the law, and administer justice impartially; hoping thereby the people might forget Monarchy, and, understanding their true interest in the election of successive Parliaments, may have the government settled upon a true basis, without hazard to this glorious cause, or necessitating to keep up armies for the defence of the same. And being still resolved to use all means possible to avoid extraordinary courses, we prevailed with about twenty members of Parliament to give us a conference, with whom we freely and plainly debated the necessity and justness of our proposals on that behalf; and did evidence that those, and not the Act under their consideration, would most probably bring forth something answerable to that work, the foundation whereof God Himself hath laid, and is now carrying on in the world.

The which, notwithstanding, found no acceptance; but, instead thereof, it was offered, that the way was to continue still this present Parliament, as being that from which we might reasonably expect all good things: and this being vehemently insisted upon, did much confirm us in our apprehensions, that not any love to a Representative, but the making use thereof to recruit, and so perpetuate themselves, was their aim.

They being plainly dealt with about this, and told that neither the nation, the honest interest, nor we ourselves would be deluded by such dealings, they did agree to meet again the next day in the afternoon for mutual satisfaction; it being consented unto by the members present that endeavours should be used that nothing in the mean time should be done in Parliament that might exclude or frustrate the proposals before mentioned.

Notwithstanding this, the next morning the Parliament did make more haste than usual in carrying on their said Act, being helped on therein by some of the persons engaged to us the night before; none of them which were then present endeavouring to oppose the same; and being ready to put the main question for consummating the said Act, whereby our aforesaid proposals would have been rendered void, and the way of bringing them into a fair and full debate in Parliament obstructed; for preventing thereof, and

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and evil consequences which must, upon the grounds  
have ensued ; and whereby, at one blow, the interest of  
men and of this glorious cause had been in danger to be  
lost, and these nations embroiled in new troubles, at a  
time when our enemies abroad are watching all advantages against  
us, and some of them actually engaged in war with us, we have  
hesitated, though with much reluctance, to put an end to  
the present government ; which yet we have done, we hope, out of an  
earnest desire, preferring this cause above our names, lives, families,  
and, how dear soever ; with clear intentions and real pur-  
pose, to call to the government persons of approved fidel-  
ity and honesty ; believing that as no wise men will expect to  
gather roses of thorns, so good men will hope, that if persons so  
well chosen, the fruits of a just and righteous reformation,  
long desired and wished for, will, by the blessing of God, be in-  
deed obtained, to the refreshing of all those good hearts who  
sigh and panting after those things.

There might have been said, if it had been our desire to  
justify ourselves by aspersing others, and raking into the misgov-  
ernment of affairs, but we shall conclude with this, that as we  
were led by necessity and Providence to act as we have done,  
and above our own thoughts and desires, so we shall  
be enabled to do that part of this great work which is behind, but our

sations, wherein the Lord hath so wonderfully appeared in bringing forth these things by the travail and blood of His children, ought to oblige them so to walk in the wisdom and love of Christ, as may cause others to honour their holy profession, because they see Christ to be in them of a truth.

We do further purpose, before it be long, more particularly to show the grounds of our proceedings, and the reasons of this late great action and change, which in this we have but hinted at.

And we do lastly declare, that all Judges, Sheriffs, Justices of the Peace, Mayors, Bailiffs, Committees, and Commissioners, and all other civil officers and public ministers whatsoever, within this Commonwealth, or any parts thereof, do proceed in their respective places and offices; and all persons whatsoever are to give obedience to them as fully as when Parliament was sitting.

Signed in the name, and by the appointment, of his Excellency the Lord General and his Council of Officers.

WILL. MALYN, Secretary.

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## 219. The Instrument of Government

(1653, December 16. Cobbett's Parliamentary History, iii. 1417. The whole reprinted in Gardiner, 405-417.)

**T**HE government of the Commonwealth of England, Scotland, and Ireland, and the dominions thereunto belonging:

I. That the supreme legislative authority of the Commonwealth of England, Scotland, and Ireland, and the dominions thereunto belonging, shall be and reside in one person, and the people assembled in Parliament; the style of which person shall be the Lord Protector of the Commonwealth of England, Scotland, and Ireland.

II. That the exercise of the chief magistracy and the administration of the government over the said countries and the dominions, and the people thereof, shall be in the Lord Protector, assisted with a council, the number whereof shall not exceed twenty-one, nor be less than thirteen.

III. That all writs, processes, commissions, patents, grants, and other things, which now run in the name and style of the Keepers of the liberty of England by authority of Parliament, shall run in the name and style of the Lord Protector, from whom, for the future, shall be derived all magistracy and honours in these three nations; and have the power of pardons (except in case of mur-

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treason) and benefit of all forfeitures for the public use ;  
govern the said countries and dominions in all things by  
of the council, and according to these presents and the

that the Lord Protector, the Parliament sitting, shall dis-  
order the militia and forces, both by sea and land, for  
and good of the three nations, by consent of Parlia-  
ment that the Lord Protector, with the advice and consent  
major part of the council, shall dispose and order the mili-  
ends aforesaid in the intervals of Parliament.

that the Lord Protector, by the advice aforesaid, shall  
all things concerning the keeping and holding of a good  
diplomacy with foreign kings, princes, and states ; and also,  
consent of the major part of the council, have the power  
of peace.

that the laws shall not be altered, suspended, abrogated,  
repealed, nor any new law made, nor any tax, charge, or im-  
position upon the people, but by common consent in Parliament,  
as is expressed in the thirtieth article.

that there shall be a Parliament summoned to meet at  
Westminster upon the third day of September, 1654, and that suc-  
cessive Parliaments shall be summoned once in every third year,  
counted from the dissolution of the present Parliament.

That neither the Parliament to be next summoned, nor

The distribution of the persons to be chosen for Scotland and Ireland, and the several counties, cities, and places therein, shall be according to such proportions and number as shall be agreed upon and declared by the Lord Protector and the major part of the council, before the sending forth writs of summons for the next Parliament.

XI. That the summons to Parliament shall be by writ under the Great Seal of England, directed to the sheriffs of the several and respective counties, with such alteration as may suit with the present government, to be made by the Lord Protector and his council, which the Chancellor, Keeper, or Commissioners of the Great Seal shall seal, issue, and send abroad by warrant from the Lord Protector. If the Lord Protector shall not give warrant for issuing of writs of summons for the next Parliament, before the first of June, 1654, or for the Triennial Parliaments, before the first day of August in every third year, to be accounted as aforesaid; that then the Chancellor, Keeper, or Commissioners of the Great Seal for the time being, shall, without any warrant or direction, within seven days after the said first day of June, 1654, seal, issue, and send abroad writs of summons (changing therein what is to be changed as aforesaid) to the several and respective Sheriffs of England, Scotland, and Ireland, for summoning the Parliament to meet at Westminster, the third day of September next; and shall likewise, within seven days after the said first day of August, in every third year, to be accounted from the dissolution of the precedent Parliament, seal, issue, and send forth abroad several writs of summons (changing therein what is to be changed) as aforesaid, for summoning the Parliament to meet at Westminster the sixth of November in that third year. That the said several and respective Sheriffs shall, within ten days after the receipt of such writ as aforesaid, cause the same to be proclaimed and published in every market-town within his county upon the market-days thereof, between twelve and three of the clock; and shall then also publish and declare the certain day of the week and month, for choosing members to serve in Parliament for the body of the said county, according to the tenor of the said writ, which shall be upon Wednesday five weeks after the date of the writ; and shall likewise declare the place where the election shall be made: for which purpose he shall appoint the most convenient place for the whole county to meet in; and shall send precepts for elections to be made in all and every city, town, borough, or place within his county, where elections are to be made by virtue of these presents, to the Mayor, Sheriff, or other



head officer of such city, town, borough, or place, within three days after the receipt of such writ and writs; which the said Mayors, Sheriffs, and officers respectively are to make publication of, and of the certain day for such elections to be made in the said city, town, or place aforesaid, and to cause elections to be made accordingly.

XII. That at the day and place of elections, the Sheriff of each county, and the said Mayors, Sheriffs, Bailiffs, and other head officers within their cities, towns, boroughs, and places respectively, shall take view of the said elections, and shall make return into the chancery within twenty days after the said elections, of the persons elected by the greater number of electors, under their hands and seals, between him on the one part, and the electors on the other part; wherein shall be contained, that the persons elected shall not have power to alter the government as it is hereby settled in one single person and a Parliament.

XIII. That the Sheriff, who shall wittingly and willingly make any false return, or neglect his duty, shall incur the penalty of 2000 marks of lawful English money; the one moiety to the Lord Protector, and the other moiety to such person as will sue for the same.

XIV. That all and every person and persons, who have aided, advised, assisted, or abetted in any war against the Parliament, since the first day of January, 1641 (unless they have been since in the service of the Parliament, and given signal testimony of their good affection thereunto) shall be disabled and incapable to be elected, or to give any vote in the election of any members to serve in the next Parliament, or in the three succeeding Triennial Parliaments.

XV. That all such, who have advised, assisted, or abetted the rebellion of Ireland, shall be disabled and incapable for ever to be elected, or give any vote in the election of any member to serve in Parliament; as also all such who do or shall profess the Roman Catholic religion.

XVI. That all votes and elections given or made contrary, or not according to these qualifications, shall be null and void; and if any person, who is hereby made incapable, shall give his vote for election of members to serve in Parliament, such person shall lose and forfeit one full year's value of his real estate, and one full third part of his personal estate; one moiety thereof to the Lord Protector, and the other moiety to him or them who shall sue for the same.

XVII. That the persons who shall be elected to serve in Parlia-

ment, shall be such (and no other than such) as are persons of known integrity, fearing God, and of good conversation, and being of the age of twenty-one years.

XVIII. That all and every person and persons seised or possessed to his own use, of any estate, real or personal, to the value of £200, and not within the aforesaid exceptions, shall be capable to elect members to serve in Parliament for counties.

XIX. That the Chancellor, Keeper, or Commissioners of the Great Seal, shall be sworn before they enter into their offices, truly and faithfully to issue forth, and send abroad, writs of summons to Parliament, at the times and in the manner before expressed: and in case of neglect or failure to issue and send abroad writs accordingly, he or they shall for every such offence be guilty of high treason, and suffer the pains and penalties thereof.

XX. That in case writs be not issued out, as is before expressed, but that there be a neglect therein, fifteen days after the time wherein the same ought to be issued out by the Chancellor, Keeper, or Commissioners of the Great Seal; that then the Parliament shall, as often as such failure shall happen, assemble and be held at Westminster, in the usual place, at the times pre-fixed, in manner and by the means hereafter expressed; that is to say, that the sheriffs of the several and respective counties, sheriffdoms, cities, boroughs, and places aforesaid, within England, Wales, Scotland, and Ireland, the Chancellor, Masters, and Scholars of the Universities of Oxford and Cambridge, and the Mayor and Bailiffs of the borough of Berwick-upon-Tweed, and other places aforesaid respectively, shall at the several courts and places to be appointed as aforesaid, within thirty days after the said fifteen days, cause such members to be chosen for their said several and respective counties, sheriffdoms, universities, cities, boroughs, and places aforesaid, by such persons, and in such manner, as if several and respective writs of summons to Parliament under the Great Seal had issued and been awarded according to the tenor aforesaid: that if the sheriff, or other persons authorised, shall neglect his or their duty herein, that all and every such sheriff and person authorised as aforesaid, so neglecting his or their duty, shall, for every such offence, be guilty of high treason, and shall suffer the pains and penalties thereof.

XXI. That the clerk, called the clerk of the Commonwealth in Chancery for the time being, and all others, who shall afterwards execute that office, to whom the returns shall be made, shall for the next Parliament, and the two succeeding triennial Parliaments, the next day after such return, certify the names of the several per-

1, and of the places for which he and they were  
ely, unto the Council; who shall peruse the said  
mine whether the persons so elected and returned  
ceable to the qualifications, and not disabled to be  
at every person and persons being so duly elected,  
ved of by the major part of the Council to be per-  
ed, but qualified as aforesaid, shall be esteemed a  
ament, and be admitted to sit in Parliament, and

the persons so chosen and assembled in manner  
y sixty of them, shall be, and be deemed the  
England, Scotland, and Ireland; and the supreme  
to be and reside in the Lord Protector and such  
manner herein expressed.

the Lord Protector, with the advice of the major  
1, shall at any other time than is before expressed,  
ties of the State shall require it, summon Parlia-  
r before expressed, which shall not be adjourned.  
dissolved without their own consent, during the first  
their sitting. And in case of future war with any  
Parliament shall be forthwith summoned for their  
g the same.

II Bills agreed unto by the Parliament, shall be  
Lord Protector for his consent; and in case he  
s consent thereto within twenty days after they  
ed to him, or give satisfaction to the Parliament  
mitted, that then, upon declaration of the Parlia-  
rd Protector hath not consented nor given satis-  
lls shall pass into and become laws, although he  
nsent thereinto, provided such Bills contain

number were full. And in case of corruption, or other miscarriage in any of the Council in their trust, the Parliament shall appoint seven of their number, and the Council six, who, together with the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal for the time being, shall have power to hear and determine such corruption and miscarriage, and to award and inflict punishment, as the nature of the offence shall deserve, which punishment shall not be pardoned or remitted by the Lord Protector; and, in the interval of Parliament the major part of the Council, with the consent of the Lord Protector, may, for corruption or other miscarriage as aforesaid, suspend any of their number from the exercise of their trust, if they shall find it just, until the matter shall be heard and examined as aforesaid.

XXVI. That the Lord Protector and the major part of the Council aforesaid may, at any time before the meeting of the next Parliament, add to the Council such persons as they shall think fit, provided the number of the Council be not made thereby to exceed twenty-one, and the quorum to be proportioned accordingly by the Lord Protector and the major part of the Council.

XXVII. That a constant yearly revenue shall be raised, settled, and established for maintaining of 10,000 horse and dragoons, and 20,000 foot, in England, Scotland and Ireland, for the defence and security thereof, and also for a convenient number of ships for guarding of the seas; besides £200,000 per annum for defraying the other necessary charges of administration of justice, and other expenses of the Government, which revenue shall be raised by the customs, and such other ways and means as shall be agreed upon by the Lord Protector and the Council, and shall not be taken away or diminished, nor the way agreed upon for raising the same altered, but by the consent of the Lord Protector and the Parliament.

XXVIII. That the said yearly revenue shall be paid into the public treasury, and shall be issued out for the uses aforesaid.

XXIX. That in case there shall not be cause hereafter to keep up so great a defence both at land or sea, but that there be an abatement made thereof, the money which will be saved thereby shall remain in bank for the public service, and not be employed to any other use but by consent of Parliament, or, in the intervals of Parliament, by the Lord Protector and major part of the Council.

XXX. That the raising of money for defraying the charge of the present extraordinary forces, both at sea and land, in respect of the present wars, shall be by consent of Parliament, and not

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...e: save only that the Lord Protector, with the consent of  
...or part of the Council, for preventing the disorders and  
...which might otherwise fall out both by sea and land, shall  
...wer, until the meeting of the first Parliament, to raise  
...or the purposes aforesaid; and also to make laws and  
...es for the peace and welfare of these nations where it  
...necessary, which shall be binding and in force, until order  
...taken in Parliament concerning the same.

... That the lands, tenements, rents, royalties, jurisdictions  
...editaments which remain yet unsold or undisposed of, by  
...rdinance of Parliament, belonging to the Commonwealth  
...the forests and chases, and the honours and manors be-  
...o the same; the lands of the rebels in Ireland, lying in  
...counties of Dublin, Cork, Kildare, and Carlow; the lands  
...by the people of Scotland in the late wars, and also the  
...Papists and delinquents in England who have not yet  
...led), shall be vested in the Lord Protector, to hold, to  
...his successors, Lords Protectors of these nations, and  
...be alienated but by consent in Parliament. And all  
...es, issues, amercements, penalties and profits, certain and  
...ne to the Keepers of the liberties of England by authority  
...ment, shall be due to the Lord Protector, and be payable  
...the receipt, and shall be recovered and prosecuted in

of the Government, and administer in all things as fully as the Lord Protector, or the Lord Protector and Council are enabled to do.

XXXIII. That Oliver Cromwell, Captain-General of the forces of England, Scotland and Ireland, shall be, and is hereby declared to be, Lord Protector of the Commonwealth of England, Scotland and Ireland, and the dominions thereto belonging, for his life.

XXXIV. That the Chancellor, Keeper or Commissioners of the Great Seal, the Treasurer, Admiral, Chief Governors of Ireland and Scotland, and the Chief Justices of both the Benches, shall be chosen by the approbation of Parliament; and, in the intervals of Parliament, by the approbation of the major part of the Council, to be afterwards approved by the Parliament.

XXXV. That the Christian religion, as contained in the Scriptures, be held forth and recommended as the public profession of these nations; and that, as soon as may be, a provision, less subject to scruple and contention, and more certain than the present, be made for the encouragement and maintenance of able and painful teachers, for the instructing the people, and for discovery and confutation of error, heresy, and whatever is contrary to sound doctrine; and until such provision be made, the present maintenance shall not be taken away or impeached.

XXXVI. That to the public profession held forth none shall be compelled by penalties or otherwise; but that endeavours be used to win them by sound doctrine and the example of a good conversation.

XXXVII. That such as profess faith in God by Jesus Christ (though differing in judgment from the doctrine, worship or discipline publicly held forth) shall not be restrained from, but shall be protected in, the profession of the faith and exercise of their religion; so as they abuse not this liberty to the civil injury of others and to the actual disturbance of the public peace on their parts: provided this liberty be not extended to Popery or Prelacy, nor to such as, under the profession of Christ, hold forth and practise licentiousness.

XXXVIII. That all laws, statutes and ordinances, and clauses in any law, statute or ordinance to the contrary of the aforesaid liberty, shall be esteemed as null and void.

XXXIX. That the Acts and Ordinances of Parliament made for the sale or other disposition of the lands, rents and hereditaments of the late King, Queen, and Prince, of Archbishops and Bishops, &c., Deans and Chapters, the lands of delinquents and forest-lands, or any of them, or of any other lands, tenements,

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... hereditaments belonging to the Commonwealth, shall not be touched or made invalid, but shall remain good and valid, as the securities given by Act and Ordinance of Parliament for any sum or sums of money, by any of the said lands, or any other public revenue; and also the securities given for the public faith of the nation, and the engagement of the nation for satisfaction of debts and damages, shall remain good and valid, and not be made void and invalid upon any pretence.

The Articles given to or made with the enemy, and confirmed by Parliament, shall be performed and made good to the persons concerned therein; and that such appeals as were made in the last Parliament for relief concerning bills of attainder, or the estates, may be heard and determined thereupon, notwithstanding anything in this writing or otherwise to the contrary.

Every successive Lord Protector over these nations shall subscribe a solemn oath, in the presence of the nobles and others as they shall call to them, that he will maintain the quiet and welfare of these nations, cause law and justice to be equally administered; and that he will not violate oaths or matters and things contained in this writing, and in the future will, to his power and to the best of his understanding, govern these nations according to the laws, statutes and customs.

Each person of the Council shall, before they enter upon their office, take and subscribe an oath, that they will be true and faithful in their trust, according to the best of their power, and that in the election of every successive Lord Protector they will proceed therein impartially, and do nothing to the prejudice of any person.

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those late unhappy wars and differences, the people of Scotland should be united with the people of England into one Commonwealth and under one Government, and finding that in December, 1651, the Parliament then sitting did send Commissioners into Scotland to invite the people of that nation unto such a happy Union, who proceeded so far therein that the shires and boroughs of Scotland, by their Deputies convened at Dalkeith, and again at Edinburgh, did accept of the said Union, and assent thereunto; for the completing and perfecting of which Union, be it ordained, and it is ordained, by his Highness the Lord Protector of the Commonwealth of England, Scotland and Ireland, and the dominions thereto belonging, by and with the advice and consent of his Council, that all the people of Scotland, and of the isles of Orkney and Shetland, and of all the dominions and territories belonging unto Scotland, are and shall be, and are hereby, incorporated into, constituted, established, declared and confirmed one Commonwealth with England; and in every Parliament to be held successively for the said Commonwealth, thirty persons shall be called from and serve for Scotland.

And for the more effectual preservation of this Union, and the freedom and safety of the people of this Commonwealth so united, be it ordained, and it is ordained by the authority aforesaid, that all the people of Scotland and of the isles of Orkney and Shetland, and of all the dominions and territories belonging unto Scotland, of what degree or condition soever, be discharged of all fealty, homage, service and allegiance, which is or shall be pretended due unto any of the issue and posterity of Charles Stuart, late King of England and Scotland, or any claiming under him; and that Charles Stuart, eldest son, and James, called Duke of York, second son, and all other the issue and posterity of the said late King, and all and every person and persons pretending title from, by or under him, are and be disabled to hold or enjoy the Crown of Scotland and other the dominions thereunto belonging, or any of them; or to have the name, title, style or dignity of King or Queen of Scotland; or to have and enjoy the power and dominion of the said kingdom and dominions, or any of them, or the honours, manors, lands, tenements, possessions and hereditaments belonging or appertaining to the said Crown of Scotland, or other the dominions aforesaid, or to any of them, any law, statute, usage, ordinance or custom in Scotland to the contrary hereof in any wise notwithstanding.

And it is further ordained by the authority aforesaid, that the said office, style, dignity, power and authority of King of Scotland,



and all right of the three Estates of Scotland to convocate or assemble in any general Convocation or Parliament, and all conventional and parliamentary authority in Scotland, as formerly established, and all laws, usages and customs, ordaining, constituting or confirming the same, shall be and are hereby and from henceforth abolished and utterly taken away and made null and void.

And that this Union may take its more full effect and intent, be it further ordained by the authority aforesaid, that the Arms of Scotland, viz. a cross, commonly called St. Andrew's Cross, be received into and borne from henceforth in the Arms of this Commonwealth, as a badge of this Union ; and that all the public seals, seals of office, and seals of bodies civil or corporate, in Scotland, which heretofore carried the Arms of the Kings of Scotland, shall from henceforth instead thereof carry the Arms of this Commonwealth.

And be it further ordained by the authority aforesaid, that all customs, excise and other imposts for goods transported from England to Scotland, and from Scotland to England, by sea or land, are and shall be so far taken off and discharged, as that all goods for the future shall pass as free, and with like privileges and with the like charges and burdens from England to Scotland, and from Scotland to England, as goods passing from port to port, or place to place in England ; and that all goods shall and may pass between Scotland and any other part of this Commonwealth or dominions thereof, with the like privileges, freedom, charges and burdens as such goods do or shall pass between England and the said parts and dominions thereof, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding, and that all goods prohibited by any law now in force in England to be transported out of England to any foreign parts, or imported, shall be and hereby are prohibited to be transported or imported by the same law, and upon the same penalties, out of Scotland to any foreign parts aforesaid, or from any foreign parts into Scotland.

And be it further ordained by the authority aforesaid, that all cesses, public impositions and taxations whatsoever, be imposed, taxed and levied from henceforth proportionably from the whole people of this Commonwealth so united.

And further, to the end that all dominion of tenures and superiorities importing servitude and vassalage may likewise be abolished in Scotland, be it further declared and ordained by the authority aforesaid, that all heritors, proprietors and possessors of lands in Scotland, or the dominions thereunto belonging, and their heirs, shall from and after the 12th day of April, in the year

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of our Lord 1654, hold their respective lands of the respective lord and lords by deed, charter, patent or enfeoffment, to be renewed upon the death of every heritor, proprietor or possessor (as now they do) to his heir or heirs, by and under such yearly rents, boons and annual services as are mentioned or due by any deeds, patents, charters or enfeoffments now in being, of the respective lands therein expressed, or by virtue thereof enjoyed without rendering, doing or performing any other duty, service, vassalage or demand whatsoever, by reason or occasion of the said lands, or any the clauses or covenants in the said deeds, charters, patents or enfeoffments contained, saving what is hereafter, herein and hereby particularly expressed and declared; that is to say, heriots, where the same are due, fines (certain where the same is already certain, and where the fine is uncertain, reasonable fines) upon the death of the lord, and upon the death or alienation of the tenant, or any of them, where the same have usually been paid, which said fine (not being already certain) shall not at any time exceed one year's value of the lands, and also doing suit and service to such Court and Courts Baron, as shall be constituted in Scotland, in such manner as is ordained by one other Ordinance, entitled, an Ordinance for erecting Courts Baron in Scotland.

And be it ordained by the authority aforesaid, that all and every the heritors, proprietors and possessors aforesaid, and their heirs, are and shall be from henceforth for ever discharged of all fealty, homage, vassalage and servitude, which is or shall be pretended due from them, or any of them, unto any their lords or superiors whatsoever, claiming dominion or jurisdiction over them, by virtue of the said patents, charters, deeds or enfeoffments, and other rights thereof, or of any clauses or conditions therein contained, other than is before declared and ordained. And that all the said superiorities, lordships and jurisdictions (other than as aforesaid) shall be, and are hereby abolished, taken off and discharged; and that all and every the said deeds, patents, charters and enfeoffments in that behalf be, and are hereby declared, and made so far void and null; and particularly, that all and every the heritors, and others the persons aforesaid, and their heirs, are and shall be for ever hereafter freed and discharged of, and from, all suits, and appearing at or in any their lords, or superiors courts of justiciary, regality, stewartry, barony, bailiary, heritable sheriffship, heritable admiralty, all which, together with all other offices heritable, or for life, are hereby abolished and taken away; and that all and every the heritors and persons aforesaid, and their heirs, are and shall be for ever hereafter freed and discharged of and from all

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and personal attendance upon any their lords or  
peditions or travels, and of all casualties of wards'  
held of the King, or other superiors, and of the  
e and double avail thereof, non-entries, composi-  
s, and of all rights and casualties payable, if they be  
v or upon the committing of any clauses irritant.  
d heritors and persons aforesaid be now, and from  
strued, reputed, adjudged and declared free and  
of, and of and from all and all manner of holding  
ervices, personal or real, and demands whatsoever  
efore declared and ordained), notwithstanding the  
of any their deeds, patents, enfeoffments, or any  
or covenants therein contained or mentioned to  
any wise; and that in time to come all and every  
t, article, condition, or thing to the contrary hereof  
d out of all such deeds, patents, charters and en-

ther ordained, that all forfeitures, escheats, simple  
ostardy, and last heir, which heretofore escheated  
l to the King, lords of regality, or other superiors  
eforth fall, escheat, and forfeit to the Lord Pro  
ommonwealth for the time being.

April, 1654. Confirmed Anno 1656, Cap. 10.

## . The Declaration of Breda

abbett's Parliamentary History, iv. 16. Gardiner, 465-467  
(I and II 585-588)

in compassion to us and our subjects, after so long misery and sufferings, remit and put us into a quiet and peaceable possession of that our right, with as little blood and damage to our people as is possible ; nor do we desire more to enjoy what is ours, than that all our subjects may enjoy what by law is theirs, by a full and entire administration of justice throughout the land, and by extending our mercy where it is wanted and deserved.

And to the end that the fear of punishment may not engage any, conscious to themselves of what is past, to a perseverance in guilt for the future, by opposing the quiet and happiness of their country, in the restoration of king, peers and people to their just, ancient and fundamental rights, we do, by these presents, declare, that we do grant a free and general pardon, which we are ready, upon demand, to pass under our Great Seal of England, to all our subjects, of what degree or quality soever, who, within forty days after the publishing hereof, shall lay hold upon this our grace and favour, and shall, by any public act, declare their doing so, and that they return to the loyalty and obedience of good subjects ; excepting only such persons as shall hereafter be excepted by Parliament, those only to be excepted. Let all our subjects, how faulty soever, rely upon the word of a King, solemnly given by this present declaration, that no crime whatsoever, committed against us or our royal father before the publication of this, shall ever rise in judgment, or be brought in question, against any of them, to the least endamage-ment of them, either in their lives, liberties or estates, or (as far forth as lies in our power) so much as to the prejudice of their reputations by any reproach or term of distinction from the rest of our best subjects ; we desiring and ordaining that henceforth all notes of discord, separation and difference of parties be utterly abolished among all our subjects, whom we invite and conjure to a perfect union among themselves, under our protection, for the re-settlement of our just rights and theirs in a free Parliament, by which, upon the word of a King, we will be advised.

And because the passion and uncharitableness of the times have produced several opinions in religion, by which men are engaged in parties and animosities against each other (which, when they shall hereafter unite in a freedom of conversation, will be composed or better understood), we do declare a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matter of religion, which do not disturb the peace of the kingdom ; and that we shall be ready to consent to such an Act of Parliament, as, upon mature

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shall be offered to us, for the full granting that

in the continued distractions of so many years, and great revolutions, many grants and purchases of been made to and by many officers, soldiers and we now possessed of the same, and who may be at law upon several titles, we are likewise willing differences, and all things relating to such grants, cases, shall be determined in Parliament, which can the just satisfaction of all men who are concerned. further declare, that we will be ready to consent to of Parliament to the purposes aforesaid, and for on of all arrears due to the officers and soldiers under the command of General Monk; and that received into our service upon as good pay and they now enjoy.

under our Sign Manual and Privy Signet, at our Court at Breda, this <sup>4</sup>/<sub>14</sub> day of April, 1660, in the twelfth year of our reign.

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## Abolishing Relics of Feudalism and

seisins and ouster-le-mains, values and forfeitures of marriages, by reason of any tenure of the king's Majesty, or of any other by knights service, and all mean rates, and all other gifts, grants, charges, incident or arising for or by reason of wardships, liveries, primer-seisins or ouster-le-mains, be taken away and discharged, and are hereby enacted to be taken away and discharged, from the said twenty-fourth day of February one thousand six hundred forty-five, any law, statute, custom, or usage to the contrary hereof any wise notwithstanding ; and that all fines for alienations, seizures and pardons for alienations, tenure by homage and all charges incident or arising for or by reason of wardship, livery, primer-seisin or ouster-le-mains or tenure by knights service, scutage and also *aide pur file marrier* and *pur fair fitz chivalier* and all other charges incident thereunto, be likewise taken away and discharged from the said twenty-fourth day of February one thousand six hundred forty and five, any law, statute, custom or usage to the contrary hereof any wise notwithstanding ; and that all tenures by knights service of the king, or of any other person, and by knights service *in capite*, and by socage *in capite* of the king, and the fruits and consequents thereof, happened or which shall or may hereafter happen or arise thereupon or thereby, be taken away and discharged, any law, statute, custom or usage to the contrary hereof any wise notwithstanding ; and all tenures of any honours, manors, lands, tenements or hereditaments of any estate of inheritance at the common law held either of the king or of any other person or persons, bodies politic or corporate, are hereby enacted to be turned into free and common socage to all intents and purposes from the said four and twentieth day of February one thousand six hundred forty-five, and shall be so construed, adjudged and deemed to be from the said twenty-fourth day of February one thousand six hundred forty-five, and forever thereafter turned into free and common socage, any law, statute, custom or usage to the contrary hereof in any wise notwithstanding ;

II. And that the same shall for ever hereafter stand and be discharged of all tenure by homage, scutage, voyages royal and charges for the same, wardships incident to tenure by knights service, and values and forfeitures of marriage, and all other charges incident to tenure by knights service, and of and from *aide pur file marrier* and *aide pur fair fitz chivalier*, any law, statute, custom or usage to the contrary in any wise notwithstanding ; and that all conveyances and devises of any manors, lands, tenements and hereditaments made since the said twenty-fourth of February shall be expounded to be of such effect, as if the same manors, lands,

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hereditaments had been then held and continued in free and common socage only, any law, statute, or ordinance to the contrary hereof in any wise notwithstanding. And it further ordained and enacted by authority of the said parliament that one act made in the reign of King Henry the fourth, entitled An Act for the establishment of the court of wards, and also one act of parliament made in the thirtieth year of the reign of the said King Henry the fourth concerning the officers of the court of wards and liveries, touching the use, article and matter in the said acts contained, should and lawfully ought to be forthwith repealed and utterly void.

And it further enacted by the authority aforesaid that after to be created by the king's Majesty, his heirs and assigns, upon any gifts or grants of any manors, lands, tenements or hereditaments of any estate of inheritance at the common law, should be in free and common socage, and shall be taken to be in free and common socage only, and not by knight's service, or *in capite*, and shall be discharged of all wardship, marriage, livery, primer-seisin, ouster-levein, and *pur feile marrier*, any law, statute, or ordinance to the contrary thereof any wise notwithstanding.

• • • • •  
And it further enacted by the authority aforesaid, that any person who hath or shall have any child or children under the age of twenty years, and not married at the time of his death, shall and may be lawful to and for the father of such child or children, by his deed executed in his life-time, or by his will, to give and dispose of the same child or children, and the lands and tenements and hereditaments which he hath or shall have at the time of his death, to such person or persons, and to such lands and tenements and hereditaments, as he shall think fit, and to such person or persons, and to such lands and tenements and hereditaments, as he shall think fit, and to such person or persons, and to such lands and tenements and hereditaments, as he shall think fit.

or of any the children of any king or queen of England for the time being, or that shall be, or for his or their or any of their household, shall take any timber, fuel, cattle, corn, grain, malt, hay, straw, victual, cart, carriage or other thing whatsoever of any the subjects of his Majesty, his heirs or successors, without the free and full consent of the owner or owners thereof had and obtained without menace or enforcement, nor shall summon, warn, take, use or require any the said subjects to furnish or find any horses, oxen or other [cattle], carts, ploughs, wains or other carriages for the use of his Majesty, his heirs or successors, or of any queen of England, or of any child or children of any the kings or queens of England for the time being, for the carrying the goods of his Majesty, his heirs or successors, or the said queens or children or any of them, without such full and free consent as aforesaid, any law, statute, custom or usage to the contrary notwithstanding.

\* \* \* \* \*

XIV. \* \* \* And now to the intent and purpose that his Majesty, his heirs and successors, may receive a full and ample recompense and satisfaction as well for \* \* \* and other the premises and perquisites incident thereunto; \* \* \* as also for all and all manner of purveyance and provisions hereinbefore mentioned, \* \* \*

XV. Be it therefore enacted by the authority aforesaid that there shall be paid unto the king's Majesty, his heirs and successors for ever hereafter :

[Then follow clauses fixing the rate of an excise on beer, ale, cider, perry, metheglin, mead, aqua vitæ or strong-water, coffee, chocolate, sherbet, tea, the method of raising such excise, and penalties.]



## 223. Corporation Act

(1661, December 20. 13 Charles II, st. 2., c. 1. 5 S. R. 321. The whole reprinted in G. and H. 594-600.)]

**W**HEREAS questions are likely to arise concerning the validity of elections of magistrates and other officers and members in corporations, as well in respect of removing some as placing others, during the late troubles, contrary to the true intent and meaning of their charters and liberties; and to the end that the succession in such corporations may be most probably perpetuated in the



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ons well affected to His Majesty and the established  
being too well known that notwithstanding all His  
favour and unparalleled indulgence in pardoning all  
nevertheless many evil spirits are still working :  
for prevention of the like mischief for the time to  
reservation of the public peace both in church and  
acted by the king's most excellent Majesty by and with  
consent of the lords spiritual and temporal and com-  
in Parliament, and by the authority of the same,  
ns shall before the twentieth day of February next  
under the great seal of England unto such persons  
shall appoint for the executing of the powers and  
re after expressed, and that all and every the per-  
ned commissioners in the said commissions respec-  
virtue of this act be commissioners respectively for  
said several cities, corporations and boroughs  
ports and their members, and other port towns within  
England, dominion of Wales and town of Berwick  
for which they shall be respectively nominated and

it further enacted by the authority aforesaid, that no  
corporation, cities, towns, boroughs, Cinque ports  
rs, and other port towns in England or Wales or  
shall be so constituted as to be other than

. And also at the same time shall publicly subscribe before said commissioners or any three of them this following declara-

A. B., do declare, that I hold that there lies no obligation upon any other person from the oath commonly called the Solemn Oath and Covenant, and that the same was in itself an unlawful and imposed upon the subjects of this realm against the laws and liberties of the kingdom.'

I. And that all such of the said mayors and other the per-aforesaid by whom the said oaths are to be taken and declared-subscribed as aforesaid, who shall refuse to take and subscribe same within the time and in manner aforesaid, shall from and immediately after such refusal be by authority of this act (ipso facto) removed and displaced of and from the said offices and places respectively; and the said offices and places from and immediately after such refusal shall be and are hereby declared void and adjudged to be void to all intents and purposes, as if the said active persons so refusing were naturally dead.

\* \* \* \* \*

I. Provided also, and be it enacted by the authority aforesaid, that from and after the expiration of the said commissions, person or persons shall for ever hereafter be placed, elected or chosen in or to any the offices or places aforesaid, that shall not within one year next before such election or choice, taken sacrament of the Lord's Supper, according to the rites of the Church of England; and that every such person and persons so elected, elected or chosen shall likewise take the aforesaid three oaths and subscribe the said declaration, at the same time when the oath for the due execution of the said places and offices respectively shall be administered; and in default hereof every such election, election and choice is hereby enacted, and declared to be

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## 224. Last Act of Uniformity

, May 19. 13 & 14 Charles II. c. 4. 5 S. R. 364. The whole reprinted in G. and H. 600-619.)

WHEREAS in the first year of the late Queen Elizabeth there was one uniform order of common service and prayer and the administration of sacraments, rites and ceremonies in the Church of England (agreable to the word of God and usage of

the primitive church) compiled by the reverend bishops and clergy, set forth in one book, entitled, 'The Book of Common Prayer and Administration of Sacraments and other Rites and Ceremonies in the Church of England,' and enjoined to be used by act of parliament, holden in the said first year of the said late queen, entitled, 'An Act for the Uniformity of Common Prayer and Service in the Church and Administration of the Sacraments,' very comfortable to all good people desirous to live in Christian conversation and most profitable to the estate of this realm, upon the which the mercy, favour and blessing of Almighty God is in no wise so readily and plentifully poured, as by common prayers, due using of the sacraments and often preaching of the gospel with devotion of the hearers ; and yet, this notwithstanding, a great number of people in divers parts of this realm, following their own sensuality and living without knowledge and due fear of God, do wilfully and schismatically abstain and refuse to come to their parish churches and other public places where common prayer, administration of the sacraments and preaching of the word of God is used upon the Sundays and other days ordained and appointed to be kept and observed as holy days ; and whereas by the great and scandalous neglect of ministers in using the said order or liturgy so set forth and enjoined as aforesaid, great mischiefs and inconveniences during the times of the late unhappy troubles have arisen and grown, and many people have been led into factions and schisms, to the great decay and scandal of the reformed religion of the Church of England, and to the hazard of many souls ; for prevention whereof in time to come, for settling the peace of the church and for allaying the present distempers, which the indisposition of the time hath contracted, the king's Majesty, according to his declaration of the five and twentieth of October one thousand six hundred and sixty, granted his commission under the great seal of England to several bishops and other divines to review the Book of Common Prayer, and to prepare such alterations and additions as they thought fit to offer ; and afterwards the convocations of both the provinces of Canterbury and York being by his Majesty called and assembled, and now sitting, his Majesty hath been pleased to authorize and require the presidents of the said convocations, and other the bishops and clergy of the same, to review the said Book of Common Prayer and the book of the form and manner of the making and consecrating of bishops, priests and deacons, and that after mature consideration they should make such additions and alterations in the said books respectively, as to them should seem meet and convenient, and should exhibit and present the same to his

Majesty in writing for his further allowance or confirmation ; since which time upon full and mature deliberation they, the said presidents, bishops and clergy of both provinces, have accordingly reviewed the said books and have made some alterations which they think fit to be inserted to the same, and some additional prayers to the said Book of Common Prayer to be used upon proper and emergent occasions, and have exhibited and presented the same unto his Majesty in writing in one book, entitled, 'The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the Use of the Church of England, together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches, and the Form and Manner of Making, Ordaining and Consecrating of Bishops, Priests and Deacons' ; all which his Majesty having duly considered, hath fully approved and allowed the same, and recommended to this present parliament that the said Books of Common Prayer, and of the Form of Ordination and Consecration of Bishops, Priests and Deacons, with the alterations and additions which have been so made and presented to his Majesty by the said convocations, be the book which shall be appointed to be used by all that officiate in all cathedral and collegiate churches and chapels, and in all chapels of colleges and halls in both the universities, and the colleges of Eton and Winchester, and in all parish churches and chapels within the kingdom of England, dominion of Wales and town of Berwick upon Tweed, and by all that make or consecrate bishops, priests or deacons in any of the said places, under such sanctions and penalties as the houses of parliament shall think fit :

II. Now in regard that nothing conduceth more to the settling of the peace of this nation, (which is desired of all good men) nor to the honour of our religion and the propagation thereof, than an universal agreement in the public worship of Almighty God, and to the intent that every person within this realm may certainly know the rule to which he is to conform in public worship and administration of sacraments and other rites and ceremonies of the Church of England, and the manner how and by whom bishops, priests and deacons are and ought to be made ordained and consecrated : be it enacted by the king's most excellent Majesty, by the advice and with the consent of the lords spiritual and temporal and the commons in this present parliament assembled, and by the authority of the same, that all and singular ministers in any cathedral, collegiate or parish church, or chapel, or other place of public worship within this realm of England, dominion of Wales and town of Berwick upon Tweed shall be bound to say and use the morning

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g prayer, celebration and administration of both th  
all other the public and common prayer, in suc  
as is mentioned in the said book annexed an  
present act, and entitled, 'The Book of Comm  
ministration of the Sacraments and other Rites an  
the Church, according to the Use of the Church  
together with the Psalter or Psalms of David, pointe  
be sung or said in Churches, and the Form or Man  
Ordaining and Consecrating of Bishops, Priests an  
that the morning and evening prayers therein con  
upon every Lord's day and upon all other days an  
at the times therein appointed, be openly an  
by all and every minister or curate, in every church  
place of public worship within this realm of Eng  
es aforesaid.

to the end that uniformity in the public worship o  
so much desired) may be speedily effected, be it  
by the authority aforesaid, that every parson, vica  
ter whatsoever, who now hath and enjoyeth any ec  
benefice or promotion within this realm of England o  
l, shall in the church, chapel or place of public  
going to his said benefice or promotion, upon some  
the feast of Saint Bartholomew which shall be

after such impediment removed) shall, ipso facto, be deprived of all his spiritual promotions; and that from thenceforth it shall be lawful to and for all patrons and donors of all and singular the said spiritual promotions or of any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead.

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## 225. First Conventicle Act

(1664, May 17. 16 Charles II. c. 4. 5 S. R. 516.)

**W**HEREAS an act made in the five and thirtieth year of the reign of our late sovereign lady Queen Elizabeth, entitled, An Act to retain the Queen's Majesty's subjects in their due obedience, hath not been put in due execution by reason of some doubt of late made, whether the said act be still in force, although it be very clear and evident, and it is hereby declared, that the said act is still in force and ought to be put in due execution; for providing therefore of further and more speedy remedies against the growing and dangerous practices of seditious sectaries and other disloyal persons, who, under pretence of tender consciences, do at their meetings, contrive insurrections as late experience hath showed; be it enacted by the king's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that if any person of the age of sixteen years or upwards, being a subject of this realm, at any time after the first day of July, which shall be in the year of our Lord one thousand six hundred sixty and four, shall be present at any assembly, conventicle or meeting, under colour or pretence of any exercise of religion in other manner than is allowed by the liturgy or practice of the Church of England, in any place within the kingdom of England, dominion of Wales or town of Berwick-upon-Tweed, at which conventicle, meeting or assembly there shall be five persons or more assembled together over and above those of the same household, then it shall and may be lawful to and for any two justices of the peace of the county, limit, division or liberty wherein the offence aforesaid shall be committed, or for the chief magistrate of the place where such offence aforesaid shall be committed (if it be within a corporation where there are not two jus-

tices of the peace), and they are hereby required and enjoined upon proof to them or him respectively made of such offence, either by confession of the party, or oath of witnesses, or notorious evidence of the fact (which oath the said justices of the peace and chief magistrate respectively are hereby empowered and required to administer), to make a record of every such offence and offences under their hands and seals respectively, which record so made as aforesaid shall to all intents and purposes be in law taken and adjudged to be a full and perfect conviction of every such offender for such offence, and thereupon the said justices and chief magistrate respectively shall commit every such offender so convicted as aforesaid to the gaol, or house of correction, there to remain without bail or mainprise for any time not exceeding the space of three months, unless such offender shall pay down to the said justices or chief magistrate such sum of money, not exceeding five pounds, as the justices or chief magistrate (who are hereby thereunto authorized and required) shall fine the said offender at for his or her said offence, which money shall be paid to the church wardens for the relief of the poor of the parish, where such offender did last inhabit.

\* \* \* \* \*

III. And be it further enacted by the authority aforesaid, that if any such offender so convicted of a second offence contrary to this act in manner aforesaid shall at any time again commit the like offence contrary to this act, then any two justices of the peace and chief magistrate as aforesaid respectively shall commit every such offender to the gaol or house of correction, there to remain without bail or mainprise, until the next general quarter sessions, assizes, gaol-delivery, great sessions or sitting of any commission of oyer and terminer in the respective county, limit, division or liberty which shall first happen, when and where every such offender shall be proceeded against by indictment for such offence, and shall forthwith be arraigned upon such indictment, and shall then plead the general issue of not guilty and give any special matter in evidence, or confess the indictment, and if such offender proceeded against shall be lawfully convicted of such offence either by confession or verdict, or if such offender shall refuse to plead the general issue or to confess the indictment, then the respective justices of the peace at their general quarter sessions, judges of assize and gaol-delivery at the assizes and gaol delivery, justices of the great sessions at the great sessions and commissioners of oyer and terminer at their sitting, are hereby enabled and required to cause

judgment to be entered against such offender, that such offender shall be transported beyond the seas to any of His Majesty's foreign plantations (Virginia and New England only excepted) there to remain seven years.

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## 226. Five Mile Act

(1665, October 31. 17 Charles II. c. 2. 5 S. R. 575. The whole reprinted in G. and H. pp. 620-623.)

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III. AND all such person and persons as shall take upon them to preach in any unlawful assembly, conventicle or meeting under colour or pretence of any exercise of religion, contrary to the laws and statutes of this kingdom, shall not at any time from and after the four and twentieth day of March which shall be in this present year of our Lord God one thousand six hundred sixty and five, unless only in passing upon the road, come or be within five miles of any city or town corporate or borough that sends burgesses to the parliament, within His Majesty's kingdom of England, principality of Wales or of the town of Berwick upon Tweed, or within five miles of any parish town or place, wherein he or they have since the act of oblivion been parson, vicar, curate, stipendiary or lecturer, or taken upon them to preach in any unlawful assembly, conventicle or meeting under colour or pretence of any exercise of religion, contrary to the laws and statutes of this kingdom, before he or they have taken and subscribed the oath aforesaid before the justices of peace at their quarter sessions to be holden for the county, riding or division next unto the said corporation, city or borough, parish, place or town, in open court (which said oath the said justices are hereby empowered there to administer), upon forfeiture for every such offence the sum of forty pounds of lawful English money, the one third part thereof to His Majesty and his successors, the other third part to the use of the poor of the parish where the offence shall be committed, and the other third part thereof to such person or persons as shall or will sue for the same by action of debt, plaint, bill or information in any court of record at Westminster, or before any justices of assize, oyer and terminer or gaol delivery, or before any justices of the counties palatine of Chester, Lancaster or Durham, or the justices of the great sessions



in Wales, or before any justices of peace in their quarter sessions, wherein no essoin, protection or wager of law shall be allowed.

IV. Provided always, and be it further enacted by the authority aforesaid, that it shall not be lawful for any person or persons restrained from coming to any city, town corporate, borough, parish, town or place as aforesaid, or for any other person or persons as shall not first take and subscribe the said oath, and as shall not frequent divine service established by the laws of this kingdom, and carry him or herself reverently, decently and orderly there, to teach any public or private school, or take any boarders or tablers that are taught or instructed by him or herself, or any other, upon pain for every such offence to forfeit the sum of forty pounds, to be recovered and distributed as aforesaid.

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## 227. Charles II's Declaration of Indulgence

(1673, February 1. Cobbett's Parliamentary History, iv. 515.)

OUR care and endeavours for the preservation of the rights and interests of the Church have been sufficiently manifested to the world by the whole course of our government, since our happy restoration, and by the many and frequent ways of coercion that we have used for reducing all erring or dissenting persons, and for composing the unhappy differences in matters of religion, which we found among our subjects upon our return. But it being evident by the sad experience of twelve years, that there is very little fruit of all those forcible courses, we think ourselves obliged to make use of that supreme power in ecclesiastical matters, which is not only inherent in us but hath been declared and recognized to be so by several statutes and acts of parliament. And therefore we do now accordingly issue out this our royal declaration, as well for the quieting the minds of our good subjects in these points, for inviting strangers in this conjuncture to come and live under us, and for the better encouragement of all to a cheerful following of their trades and callings, from whence we hope, by the blessing of God, to have many good and happy advantages to our government; as also for preventing for the future the danger that might otherwise arise from private meetings, and seditious conventicles. And in the first place, we declare our express resolution, meaning, and intention to be, that the Church of England

be preserved, and remain entire in its doctrine, discipline, and government, as now it stands established by law : and that this be taken to be, as it is, the basis, rule and standard of the general and public worship of God, and that the orthodox conformable clergy do receive and enjoy the revenues belonging thereunto ; and that no person, though of different opinion and persuasion, shall be exempt from paying his tithes, or other dues whatsoever. And further, we declare, that no person shall be capable of holding any benefice, living, or ecclesiastical dignity or preferment of any kind in this kingdom of England, who is not exactly conformable. We do in the next place declare our will and pleasure to be, that the execution of all and all manner of penal laws in matters ecclesiastical, against whatsoever sort of non-conformists, or recusants, be immediately suspended, and they are hereby suspended. And all judges of assize and gaol-delivery, sheriffs, justices of the peace, mayors, bailiffs, and other officers whatsoever, whether ecclesiastical or civil, are to take notice of it, and pay due obedience thereunto. And that there may be no pretence for any of our subjects to continue their illegal meetings and conventicles, we do declare, that we shall from time to time allow a sufficient number of places, as shall be desired, in all parts of this our kingdom, for the use of such as do not conform to the Church of England, to meet and assemble in, in order to their public worship and devotion ; which places shall be open and free to all persons. But to prevent such disorders and inconveniences as may happen by this our indulgence, if not duly regulated, and that they may be the better protected by the civil magistrate, our express will and pleasure is, that none of our subjects do presume to meet in any place, until such place be allowed, and the teacher of that congregation be approved by us. And lest any should apprehend, that this restriction should make our said allowance and approbation difficult to be obtained, we do further declare, that this our indulgence, as to the allowance of public places of worship, and approbation of teachers, shall extend to all sorts of non-conformists and recusants, except the recusants of the Roman Catholic religion, to whom we shall no ways allow in public places of worship, but only indulge them their share in the common exemption from the executing the penal laws, and the exercise of their worship in their private houses only. And if after this our clemency and indulgence, any of our subjects shall presume to abuse this liberty, and shall preach seditiously, or to the derogation of the doctrine, discipline, or government of the established church, or shall meet in places not allowed by us ; we do hereby give

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arning, and declare, we will proceed against them with all  
ple severity : and we will let them see, we can be as severe  
n such offenders, when so justly provoked, as we are in-  
to truly tender consciences.

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### 228. Test Act

March 29. 25 Charles II. c. 2. 5 S. R. 782. The whole reprinted in  
G. and H. pp. 632-640.)

preventing dangers which may happen from popish recu-  
its and quieting the minds of His Majesty's good sub-  
it enacted by the king's most excellent Majesty, by and  
advice and consent of the lords spiritual and temporal  
commons in this present parliament assembled, and by  
of the same, that all and every person or persons, as well  
commoners, that shall bear any office or offices, civil or  
or shall receive any pay, salary, fee or wages by reason  
tent or grant from His Majesty, or shall have command  
of trust from or under His Majesty, or from any of His  
s predecessors, or by his or their authority, or by author-  
of the realm of England, do or

the said respective courts aforesaid, shall on or before the first day of August, one thousand six hundred seventy-three, at the quarter sessions for that county or place where he or they shall be, inhabit or reside on the twentieth day of May, take the said oaths in open court between the said hours of nine and twelve of the clock in the forenoon ; and the said respective officers aforesaid shall also receive the sacrament of the Lord's Supper according to the usage of the Church of England, at or before the first day of August, in the year of our Lord one thousand six hundred and seventy-three, in some parish church, upon some Lord's day, commonly called Sunday, immediately after divine service and sermon.

II. And be it further enacted by the authority aforesaid, that all and every person or persons that shall be admitted, entered, placed or taken into any office or offices civil or military, or shall receive any pay, salary, fee or wages by reason of any patent or grant of His Majesty, or shall have command or place of trust from or under His Majesty, his heirs or successors, or by his or their authority, or by authority derived from him or them, within this realm of England, dominion of Wales or town of Berwick upon Tweed, or in His Majesty's navy, or in the several islands of Jersey and Guernsey, or that shall be admitted into any service or employment in His Majesty's or royal highness's household or family after the first day of Easter term aforesaid, and shall inhabit, be, or reside, when he or they is or are so admitted or placed, within the cities of London or Westminster or within thirty miles of the same, shall take the said oaths aforesaid in the said respective court or courts aforesaid, in the next term after such his or their admittance or admittances into the office or offices, employment or employments aforesaid, between the hours aforesaid and no other, and the proceedings to cease as aforesaid ; and that all and every such person or persons to be admitted after the first day of Easter term as aforesaid, not having taken the said oaths in the said courts aforesaid, shall at the quarter sessions for that county or place where he or they shall reside, next after such his admittance or admittances into any of the said respective offices or employments aforesaid, take the said several and respective oaths as aforesaid ; and all and every such person and persons so to be admitted as aforesaid shall also receive the sacrament of the Lord's Supper, according to the usage of the Church of England, within three months after his or their admittances in, or receiving their said authority and employment, in some public church upon some Lord's day, commonly called Sunday, immediately after divine service and sermon.

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and every of the said persons in the respective court takes the said oaths shall first deliver a certificate of receiving the said sacrament as aforesaid, under the hand of the respective minister and churchwarden, and shall make proof of the truth thereof by two credible witnesses sworn upon oath, all which shall be inquired of and put in record in the respective courts.

And be it further enacted by the authority aforesaid, that every the person or persons aforesaid, that do or shall refuse to take the said oaths and sacrament in the said places, and at the respective times aforesaid, shall be adjudged incapable and disabled in law to all intents and purposes whatsoever to have, occupy or enjoy the said office, employment or employments, or any part of them or any thing aforesaid, or any profit or advantage appertaining to any of them, and every such office and place, employment and employments shall be void, and is hereby adjudged

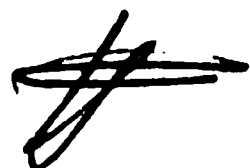
And be it further enacted, that all and every such person that shall neglect or refuse to take the said oaths or the sacrament as aforesaid, within the times and in the places aforesaid, in the manner aforesaid, and yet after such neglect or refusal shall continue to exercise any of the said offices or employments after the said

wise make and subscribe this declaration following, under the same penalties and forfeitures as by this act is appointed :

I, A. B., do declare, that I do believe that there is not any transubstantiation in the sacrament of the Lord's Supper, or in the elements of bread and wine, at, or after the consecration thereof by any person whatsoever.

X. Of which subscription there shall be the like register kept as of the taking of the oaths aforesaid.

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## 229. Resolution concerning the Royal Pardon in Bar of Danby's Impeachment

(1679, May 5. Cobbett's Parliamentary History, iv. 1129.)

THE commons resolved: "That it was the opinion of this house, that the pardon pleaded by the earl of Danby was illegal and void, and ought not to be allowed in bar of the impeachment of the commons of England." After which, Mr. Speaker, with the whole house, went up to the lords' bar, and demanded judgment against the earl in these words :

"My lords ; the knights, citizens and burgesses, in parliament assembled, are come up to demand judgment, in their own names, and the names of all the commons of England, against Thomas, earl of Danby, who stands impeached by them before your lordships of hightreason, and divers high crimes and misdemeanors ; to which he has pleaded a pardon : which pardon the commons conceive to be illegal and void ; and therefore they do demand judgment of your lordships accordingly."

## 230. Exclusion Bill

(1679, May 15. Cobbett's Parliamentary History, iv. 1136.)

MAY 15. The Exclusion Bill was called for and read the first time. It set forth, after the particulars of the execrable conspiracy : "That the emissaries, priests and agents for the pope had traitorously seduced James, duke of York, presumptive heir to these crowns, to the communion of the church of Rome ; and

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...ed him to enter into several negotiations with the pope, ...als and nuncios, for promoting the Romish church and ...and by his means and procurement, had advanced the ...greatness of the French king, to the manifest hazard ...kingdoms. That by descent of these crowns upon a ...and by foreign alliances and assistance, they might be ...succeed in their wicked and villainous designs." Then, ...other preamble, they enacted to this effect: 1. "That ...James, duke of York, should be incapable of inheriting ...of England, Scotland, and Ireland, with their depend- ...and of enjoying any of the titles, rights, prerogatives and ...belonging to the said crowns. 2. That in case his ...should happen to die, or resign his dominions, they ...devolve to the person next in succession, in the same ...as if the duke was dead. 3. That all acts of sovereignty ...ty that prince might then happen to perform, were not ...void, but to be high treason, and punishable as such. ...of any one, at any time whatsoever, should endeavour to ...said duke into any of the fore-mentioned dominions, or ...with him in order to make him inherit, he should be ...high treason. 5. That if the duke himself ever returned ...of these dominions, considering the mischiefs that must ...should be looked upon as guilty of the same offense; and ...

II. For the prevention whereof and the more speedy relief of all persons imprisoned for any such criminal or supposed criminal matters ; be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority thereof, that whensoever any person or persons shall bring any habeas corpus directed unto any sheriff or sheriffs, gaoler, minister or other person whatsoever for any person in his or their custody, and the said writ shall be served upon the said officer or left at the gaol or prison with any of the under officers, under keepers or deputy of the said officers or keepers, that the said officer or officers, his or their under officers, under keepers or deputies shall within three days after the service thereof as aforesaid (unless the commitment aforesaid were for treason or felony, plainly and specially expressed in the warrant of commitment) upon payment or tender of the charges of bringing the said prisoner, to be ascertained by the judge or court that awarded the same and endorsed upon the said writ, not exceeding twelve pence per mile, and upon security given by his own bond to pay the charges of carrying back the prisoner, if he shall be remanded by the court or judge to which he shall be brought according to the true intent of this present act, and that he will not make any escape by the way, make return of such writ ; and bring or cause to be brought the body of the party so committed or restrained unto or before the lord chancellor, or lord keeper of the great seal of England, for the time being, or the judges or barons of the said court from whence the said writ shall issue, or unto and before such other person or persons before whom the said writ is made returnable, according to the command thereof ; and shall then likewise certify the true causes of his detainer or imprisonment ; unless the commitment of the said party be in any place beyond the distance of twenty miles from the place or places where such court or person is or shall be residing, and if beyond the distance of twenty miles and not above one hundred miles then within the space of ten days, and if beyond the distance of one hundred miles then within the space of twenty days after such delivery aforesaid, and not longer.

III. And to the intent that no sheriff, gaoler or other officer may pretend ignorance of the import of any such writ ; be it enacted by the authority aforesaid, that all such writs shall be marked in this manner, *Per statutum tricesimo primo Caroli Secundi regis*, and shall be signed by the person that awards the same ; and if any person or persons shall be or stand committed or detained as afore-



said, for any crime, unless for treason or felony plainly expressed in the warrant of commitment, in the vacation time, and out of term, it shall and may be lawful to and for the person or persons so committed or detained (other than persons convict or in execution by legal process) or any one on his or their behalf to appeal or complain to the lord chancellor or lord keeper or any one of His Majesty's justices, either of the one bench or of the other, or the barons of the exchequer of the degree of the coif; and the said lord chancellor, lord keeper, justices or barons or any of them, upon view of the copy or copies of the warrant or warrants of commitment and detainer, or otherwise upon oath made that such copy or copies were denied to be given by such person or persons in whose custody the prisoner or prisoners is or are detained, are hereby authorised and required, upon request made in writing by such person or persons or any on his, her or their behalf, attested and subscribed by two witnesses who were present at the delivery of the same, to award and grant an habeas corpus, under the seal of such court whereof he shall then be one of the judges, to be directed to the officer or officers in whose custody the party so committed or detained shall be, returnable immediate before the said lord chancellor or lord keeper, or such justice, baron or any other justice or baron of the degree of the coif of any of the said courts; and upon service thereof as aforesaid, the officer or officers, his or their under officer or under officers, under keeper or under keepers, or deputy, in whose custody the party is so committed or detained, shall within the times respectively before limited bring such prisoner or prisoners before the said lord chancellor or lord keeper, or such justices, barons or one of them, before whom the said writ is made returnable, and in case of his absence before any other of them, with the return of such writ and the true causes of the commitment and detainer; and thereupon within two days after the party shall be brought before them, the said lord chancellor or lord keeper, or such justice or baron before whom the prisoner shall be brought as aforesaid, shall discharge the said prisoner from his imprisonment, taking his or their recognizance with one or more surety or sureties in any sum according to their discretions, having regard to the quality of the prisoner and nature of the offence, for his or their appearance in the court of king's bench the term following or at the next assizes, sessions or general gaol-delivery of and for such county, city or place where the commitment was, or where the offence was committed, or in such other court where the said offence is properly cognizable, as the case shall require, and then shall certify the said writ with the return thereof and the said re-

cognizance or recognizances into the said court where such appearance is to be made ; unless it shall appear unto the said lord chancellor or lord keeper, or justice or justices, or baron or barons, that the party so committed is detained upon a legal process, order or warrant out of some court that hath jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said justices or barons, or some justice or justices of the peace, for such matters or offences for the which by the law the prisoner is not bailable.

IV. Provided always, and be it enacted, that if any person shall have wilfully neglected by the space of two whole terms after his imprisonment to pray a habeas corpus for his enlargement, such person so wilfully neglecting shall not have any habeas corpus to be granted in vacation time in pursuance of this act.

V. And be it further enacted by the authority aforesaid, that if any officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or deputy, shall neglect or refuse to make the returns aforesaid, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or person in his behalf shall refuse to deliver, or within the space of six hours after demand shall not deliver, to the person so demanding, a true copy of the warrant or warrants of commitment and detainer of such prisoner, which he and they are hereby required to deliver accordingly ; all and every the head gaolers and keepers of such prisons, and such other person in whose custody the prisoner shall be detained, shall for the first offence forfeit to the prisoner or party grieved the sum of one hundred pounds ; and for the second offence the sum of two hundred pounds and shall and is hereby made incapable to hold or execute his said office ; the said penalties to be recovered by the prisoner or party grieved, his executors or administrators, against such offender, his executors or administrators, by any action of debt, suit, bill, plaint or information, in any of the king's courts at Westminster, wherein no essoin, protection, privilege, injunction, wager of law or stay of prosecution by *Non vult ulterius prosequi* or otherwise shall be admitted or allowed, or any more than one imparlance ; and any recovery or judgment at the suit of any party grieved shall be a sufficient conviction for the first offence ; and any after recovery or judgment at the suit of a party grieved for any offence after the first judgment shall be a sufficient conviction to bring the officers or person within the said penalty for the second offence.

VI. And for the prevention of unjust vexation by reiterated com-

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for the same offence ; be it enacted by the authority aforesaid, that no person or persons, which shall be delivered or set at large upon any habeas corpus, shall at any time hereafter be again committed or committed for the same offence by any person or persons whatsoever, other than by the legal order and process of the court wherein he or they shall be bound by recognizance to appear, or other court having jurisdiction of the cause ; and if any person or persons shall knowingly contrary to this act recommit or knowingly procure or cause to be recommitted any person or persons delivered or set at large as aforesaid, or be knowingly or assisting therein, then he or they shall forfeit to the party or parties so or parties so grieved the sum of five hundred pounds, any pretence or variation in the warrant or warrants of commitment notwithstanding, to be recovered as aforesaid.

Provided always, and be it further enacted, that if any person or persons shall be committed for high treason or felony, plainly and specially expressed in the warrant of commitment, upon his petition in open court the first week of the term or first sessions of oyer and terminer or general gaol delivery to appear to his trial, shall not be indicted sometime in the next sessions of oyer and terminer or general gaol delivery after his commitment, it shall and lawfully be lawful to and for the judges

said, that if any person or persons, subjects of this realm, shall be committed to any prison or in custody of any officer or officers whatsoever for any criminal or supposed criminal matter, that the said person shall not be removed from the said prison and custody into the custody of any other officer or officers; unless it be by habeas corpus or some other legal writ, or where the prisoner is delivered to the constable or other inferior officer to carry such prisoner to some common gaol, or where any person is sent by order of any judge of assize or justice of the peace to any common work-house or house of correction, or where the prisoner is removed from one prison or place to another within the same county, in order to his or her trial or discharge in due course of law, or in case of sudden fire or infection or other necessity; and if any person or persons shall after such commitment aforesaid make out and sign or countersign any warrant or warrants for such removal aforesaid, contrary to this act, as well he that makes or signs or countersigns such warrant or warrants as the officer or officers that obey or execute the same shall suffer and incur the pains and forfeitures in this act before-mentioned, both for the first and second offence respectively, to be recovered in manner aforesaid by the party grieved.

X. Provided also, and be it further enacted by the authority aforesaid, that it shall and may be lawful to and for any prisoner and prisoners as aforesaid to move and obtain his or their habeas corpus as well out of the high court of chancery or court of exchequer as out of the court of king's bench or common pleas or either of them; and if the said lord chancellor or lord keeper, or any judge or judges, baron or barons for the time being of the degree of the coif, of any of the courts aforesaid, in the vacation time upon view of the copy or copies of the warrant or warrants of commitment or detainer, or upon oath made that such copy or copies were denied as aforesaid, shall deny any writ of habeas corpus by this act required to be granted being moved for as aforesaid, they shall severally forfeit to the prisoner or party grieved the sum of five hundred pounds, to be recovered in manner aforesaid.

XI. And be it enacted and declared by the authority aforesaid, that an habeas corpus according to the true intent and meaning of this act may be directed and run into any county palatine, the Cinque ports, or other privileged places within the kingdom of England, dominion of Wales or town of Berwick upon Tweed, and the islands of Jersey or Guernsey, any law or usage to the contrary notwithstanding.

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and for preventing illegal imprisonments in prisons beyond  
be it further enacted by the authority aforesaid, that no  
of this realm that now is or hereafter shall be an inhabit-  
sident of this kingdom of England, dominion of Wales  
of Berwick upon Tweed shall or may be sent prisoner into  
Ireland, Jersey, Guernsey, Tangier or into any parts,  
islands or places beyond the seas, which are or at any  
after shall be within or without the dominions of his  
his heirs or successors ; and that every such imprisonment  
enacted and adjudged to be illegal ; and that if any of  
subjects now is or hereafter shall be so imprisoned every  
on and persons so imprisoned shall and may for every  
isonment maintain by virtue of this act an action or ac-  
alse imprisonment in any of his majesty's courts of record  
e person or persons by whom he or she shall be so com-  
etained, imprisoned, sent prisoner or transported, con-  
e true meaning of this act, and against all or any person  
s that shall frame, contrive, write, seal or countersign  
nt or writing for such commitment, detainer, imprison-  
ransportation, or shall be advising, aiding or assisting in  
or any of them , and the plaintiff in every such action  
e judgment to recover his treble costs, besides damages,  
ages so to be given shall not be less than five hundred

XIII. Provided always, that nothing in this act shall extend to give benefit to any person who shall by contract in writing agree with any merchant or owner of any plantation, or other person whatsoever, to be transported to any parts beyond seas, and receive earnest upon such agreement, although that afterwards such person shall renounce such contract.

XIV. Provided always, and be it enacted, that if any person or persons lawfully convicted of any felony shall in open court pray to be transported beyond the seas, and the court shall think fit to leave him or them in prison for that purpose, such person or persons may be transported into any parts beyond the seas, this act or anything therein contained to the contrary notwithstanding.

XV. Provided also, and be it enacted, that nothing herein contained shall be deemed, construed or taken to extend to the imprisonment of any person before the first day of June one thousand six hundred seventy and nine, or to anything advised, procured or otherwise done relating to such imprisonment, anything herein contained to the contrary notwithstanding.

XVI. Provided also, that if any person or persons at any time resident in this realm shall have committed any capital offence in Scotland or Ireland or any of the islands or foreign plantations of the king, his heirs or successors, where he or she ought to be tried for such offence, such person or persons may be sent to such place there to receive such trial in such manner as the same might have been used before the making of this act, anything herein contained to the contrary notwithstanding.

XVII. Provided also, and be it enacted, that no person or persons shall be sued, impleaded, molested or troubled for any offence against this act, unless the party offending be sued or impleaded for the same within two years at the most after such time wherein the offence shall be committed, in case the party grieved shall not be then in prison ; and if he shall be in prison, then within the space of two years after the decease of the person imprisoned, or his or her delivery out of prison, which shall first happen.

XVIII. And to the intent no person may avoid his trial at the assizes or general gaol delivery by procuring his removal before the assizes, at such time as he cannot be brought back to receive his trial there ; be it enacted, that after the assizes proclaimed for that county where the prisoner is detained, no person shall be removed from the common gaol upon any habeas corpus granted in pursuance of this act, but upon any such habeas corpus shall be brought before the judge of assize in open court, who is thereupon to do what to justice shall appertain.

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Provided nevertheless, that after the assizes are ended person or persons detained may have his or her habeas corpus brought to the direction and intention of this act.

And be it also enacted by the authority aforesaid, that if information, suit or action shall be brought or exhibited against person or persons for any offence committed or to be committed against the form of this law, it shall be lawful for such defendants to plead the general issue that they are not guilty, or that they have nothing, and to give such special matter in evidence to the jury that shall try the same, which matter being pleaded had good and sufficient matter in law to have discharged the said defendant or defendants against the said information, suit or action, the said matter shall then be as available to him or them to the same ends and purposes, as if he or they had sufficiently pleaded, or had alleged the same matter in bar or discharge of such information, suit or action.

And because many times persons charged with petty treason or felony or as accessories thereunto are committed upon suspicion only, whereupon they are bailable or not according as the justices making out that suspicion are more or less weighty, and are best known to the justices of peace that committed them, and have the examinations before them, or to other justices of the peace in the county; be it therefore enacted, that where

land may be dissolved because they may have committed such things that may be forfeitures. We must put the scales equal on both sides. Let us then consider on the other side, whether, if so be that it should be taken for law, that a corporation is indissoluble or cannot be dissolved for any crime whatsoever, then those two things do not follow ; — First, you will shut out the king's Quo Warranto, let him have what reason he can for it, or let them do what they will : and in the next place, you have set up so many independent commonwealths. For if a corporation may do nothing amiss whatsoever, what else does follow, for now I am not upon the point whether this corporation has done any act that is amiss, but considering your argument in general, when you make it a thing of such ill consequence that a corporation should be forfeited by any crime ; but I say now, to put in the other scale the mischiefs that would follow, if so be by law a corporation might not be dissolved for one fault or another : But let them do what they would, it should still remain a corporation. Then it is plain, they are so many commonwealths independent upon the king, and the king's Quo Warranto is quite shut out, that is mighty considerable.

\* \* \* \* \*

### *Judgment*

The next term, viz. Trinit. 35 Car. 2. (Chief Justice Saunders dying the day of the judgment given, or the next day after) Mr. justice Jones, justice Raymond, and justice Withens, being in court, justice Jones pronounced the judgment of the court, and justice Raymond and justice Withens affirmed, that chief justice Saunders was of the same opinion with them, and that they all agreed.

1. That a corporation aggregate might be seized. That the statute 28 Ed. 3, cap. 10, is express, that the franchises and liberties of the city, upon such defaults, should be taken into the king's hands. And that bodies politic may offend, and be pardoned, appears by the general article of pardon, 12 Car. 2, whereby corporations are pardoned all crimes and offences. And the act for regulating corporations, 13 Car. 2, which provides that no corporation shall be avoided for anything by them misdome or omitted to be done, shows also that their charters may be avoided for things by them misdome, or omitted to be done.

2. That exacting and taking money by the pretended by-law,



was extortion, and a forfeiture of the franchise of being a corporation.

3. That the petition was scandalous and libellous, and the making it and publishing it a forfeiture.

4. That the act of the common council was the act of the corporation.

5. That the matter set forth in the record did not excuse or avoid those forfeitures set forth in the replication.

6. That the information was well founded.

And gave judgment, That the franchise should be seized into the king's hands, but the entry thereof respited till the king's pleasure was known in it. Justice Raymond and justice Withens declare, that they were of the same opinion in *omnibus*.

And accordingly, after entry made by Mr. Attorney, That as to the issue joined to be tried by the country; as to the claiming to have and constitute sheriffs; as to the having the mayor and aldermen to be justices of the peace, and to hold sessions, 'quod ipse pro Domino Rege ulterius non vult prosecui;' Judgment is entered.

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### 233. Hales' Case: The Dispensing Power

(1686. Chief Justice Herbert. 11 State Trials, 1302.)

*Chief Justice.* 'In the case of Godwin and Hales, wherein the defendant pleads a dispensation from the king, it is doubted, whether or no the king had such a prerogative? Truly, upon the argument before us, it appeared as clear a case as ever came before this court: but because men fancy I know not what difficulty, when really there is none, we were willing to give so much countenance to the question in the case, as to take the advice of all the judges in England. They were all assembled at Serjeant's Inn and this case was put them, and the great case of the sheriffs was put; whether the dispensation in that case were legal, because upon that depended the execution of all the law of the nation? And, I must tell you that there were then ten upon the place, that clearly delivered their opinions, that the case of the sheriffs was good law, and that all the attainders grounded upon indictments found by juries returned by such sheriffs, were good, and not erroneous; and consequently, that men need not have any fears or scruples about that matter. And in the next place, they did clearly declare, that there was no imaginable difference

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between that case and this, unless it were, that this were the much clearer case of the two, and liable to the fewer exceptions. My brother Powell said, he was inclined to be of the same opinion, but he would rather have some more time to consider of it; but he has since sent by my brother Holloway to let us know that he does concur with us. To these eleven judges, there is one dissenter, brother Street, who yet continues his opinion, that the king cannot dispense in this case. But that is the opinion of one single judge, against the opinion of eleven: we were satisfied in our own judgments before, and having the concurrence of eleven out of twelve, we think we may very well declare the opinion of the court to be, that the king may dispense in this case; and the judges go upon these grounds:

- ' 1. That the kings of England are sovereign princes.
- ' 2. That the laws of England are the king's laws.
- ' 3. That therefore, it is an inseparable prerogative in the kings of England, to dispense with penal laws in particular cases, and upon particular necessary reasons.
- ' 4. That of those reasons, and those necessities, the king himself is sole judge: and then, which is consequent upon all,
- ' 5. That this is not a trust invested in, or granted to the king by the people; but the ancient remains of the sovereign power, and prerogative of the kings of England, which never yet was taken from them, nor can be. And therefore such a dispensation being pleaded by the defendant in this case, and such a dispensation appearing upon record to come, time enough to save him from the forfeiture, judgment ought to be given for the defendant, *Quod quærens nil capiat per billam.*'

\* \* \* \* \*

### 234. James II's Declaration of Indulgence

(1687, April 4. G. and H. 641-644.)

[T having pleased Almighty God not only to bring us to the imperial crown of these kingdoms through the greatest difficulties, but to preserve us by a more than ordinary providence upon the throne of our royal ancestors, there is nothing now that we so earnestly desire as to establish our government on such a foundation as may make our subjects happy, and unite them to us by inclination as well as duty. Which we think can be done by no

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effectually as by granting to them the free exercise of religion for the time to come, and add that to the perfect security of their property, which has never been in any case by us since our coming to the crown. Which being the thing men value most, shall ever be preserved in these kingdoms during our reign over them, as the truest methods of their happiness and our glory. We cannot but heartily wish, as it will easily be perceived, that all the people of our dominions were members of the Catholic Church; yet we humbly thank Almighty God, it is of long time been our constant sense and opinion (which on several occasions we have declared) that conscience ought not to be constrained nor people forced in matters of mere religion. This has ever been directly contrary to our inclination, as we are sensible to the interest of government, which it destroys by the decay of trade, depopulating countries, and discouraging strangers, so that it never obtained the end for which it was employed. And in this we are the more confirmed by the reflections made upon the conduct of the four last reigns. For after frequent and pressing endeavours that were used in each reign to reduce this kingdom to an exact conformity in religion, yet the success has not answered the design, and that the kingdom is invincible.

Therefore, out of our princely care and affection unto all our subjects, that they may live at ease and quiet, and for the promotion of trade and encouragement of strangers, have thought fit to exercise of our royal prerogative to issue forth this our declaration of indulgence, making no doubt of the concurrence of our subjects in parliament when we shall think it convenient for us to meet.

In the first place, we do declare that we will protect and main-

And to the end that by the liberty hereby granted the peace and security of our government in the practice thereof may not be endangered, we have thought fit, and do hereby straitly charge and command all our loving subjects, that, as we do freely give them leave to meet and serve God after their own way and manner, be it in private houses or places purposely hired or built for that use, so that they take especial care that nothing be preached or taught amongst them, which may any way tend to alienate the hearts of our people from us or our government; and that their meetings and assemblies be peaceably, openly, and publicly held, and all persons freely admitted to them; and that they do signify and make known to some one or more of the next justices of the peace what place or places they set apart for those uses; and that all our subjects may enjoy such their religious assemblies with greater assurance and protection, we have thought it requisite, and do hereby command, that no disturbance of any kind be made or given unto them, under pain of our displeasure, and to be further proceeded against with the utmost severity.

And forasmuch as we are desirous to have the benefit of the service of all our loving subjects, which by the law of nature is inseparably annexed to and inherent in our royal person, and that none of our subjects may for the future be under any discouragement or disability (who are otherwise well inclined and fit to serve us) by reason of some oaths or tests that have been usually administered on such occasions, we do hereby further declare, that it is our royal will and pleasure that the oaths commonly called 'The oaths of supremacy and allegiance,' and also the several tests and declarations mentioned in the acts of parliament made in the five-and-twentieth and thirtieth years of the reign of our late royal brother, King Charles II, shall not at any time hereafter be required to be taken, declared, or subscribed by any person or persons whatsoever, who is or shall be employed in any office or place of trust, either civil or military, under us or in our government. And we do further declare it to be our pleasure and intention from time to time hereafter, to grant our royal dispensations under our great seal to all our loving subjects so to be employed, who shall not take the said oaths, or subscribe or declare the said tests or declarations in the above-mentioned acts and every of them.

And to the end that all our loving subjects may receive and enjoy the full benefit and advantage of our gracious indulgence hereby intended, and may be acquitted and discharged from all pains, penalties, forfeitures, and disabilities by them or any of them incurred or forfeited, or which they shall or may at any time

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be liable to, for or by reason of their nonconformity, or the  
of their religion, and from all suits, troubles, or disturb-  
the same, we do hereby give our free and ample pardon  
nonconformists, recusants, and other our loving subjects,  
mes and things by them committed or done contrary to  
laws, formerly made relating to religion, and the profes-  
exercise thereof; hereby declaring that this our royal  
and indemnity shall be as good and effectual to all intents  
uses, as if every individual person had been therein  
named, or had particular pardons under our great seal,  
to likewise declare shall from time to time be granted  
person or persons desiring the same. willing and requir-  
edges, justices, and other officers to take notice of and  
royal will and pleasure hereinbefore declared.

though the freedom and assurance we have hereby given  
to religion and property might be sufficient to remove  
minds of our loving subjects all fears and jealousies in  
either, yet we have thought fit further to declare that  
maintain them in all their properties and possessions, as  
church and abbey lands, as in any other their lands and  
whatsoever.

Given at our Court at Whitehall the fourth day of April,  
1687, in the third year of our reign.

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or any other defect of form or default whatsoever, as if they had been summoned according to the usual form ; and that this present act and all other acts, to which the royal assent shall at any time be given before the next prorogation after the said thirteenth of February shall be understood, taken and adjudged in law to begin and commence upon the said thirteenth of February, on which day their said majesties at the request and by the advice of the lords and commons did accept the crown and royal dignity of king and queen of England, France and Ireland, and the dominions and territories thereunto belonging.

III. And be it further enacted by the authority aforesaid, that the act made in the thirtieth year of King Charles the Second, entitled, *An Act for the more effectual preserving the King's Person and Government by disabling of Papists from sitting in either House of Parliament*, and all other acts of parliament, as to so much of the said act or acts only as concerns the taking the oaths of supremacy and allegiance or either of them, in the said act or acts respectively mentioned, by any member or members of either house of parliament, with relation to their sitting and voting in parliament, shall be and are hereby repealed to all intents and purposes ; anything in the said recited act or acts to the contrary notwithstanding.

IV. And be it further enacted, that the taking the oaths herein after mentioned and the making, subscribing and repeating the declaration in the said act of the thirtieth year of King Charles the Second mentioned, by every member of either house of this present parliament from and after the first day of March next ensuing, in such manner as the taking the said oaths of allegiance and supremacy and the making, subscribing and repeating the said declaration in the said last mentioned act are required, shall be good and effectual to all intents and purposes, as if the said oaths of allegiance and supremacy had been taken and the said declaration had been made, subscribed and repeated in such manner and at such time as by the said act or acts, or any of them, they are required ; and that in all future parliaments the oaths herein after mentioned and the declaration in the said act made in the thirtieth year of King Charles the Second mentioned, shall be taken, made, subscribed and repeated by every member of either house of parliament within the time, and in the same manner and form, and under the penalties and disabilities, as the said oaths of allegiance and supremacy and the said declaration by the said act of the thirtieth year of King Charles the Second are limited, ordained and appointed to be taken, made, subscribed and re-

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and not at any other time or in any other manner, to  
them to sit and vote in parliament ; anything in the said act  
to any of them to the contrary notwithstanding.

And it is hereby further enacted and declared by the  
aforesaid, that the oaths above appointed by this act to  
in the stead and place of the oaths of allegiance and  
y, shall be in the words following and no other :

A. B., do sincerely promise and swear, that I will be  
and bear true allegiance to their majesties King William  
Mary, so help me God.'

A. B., do swear, that I do from my heart abhor, detest and  
contumacious and heretical, that damnable doctrine and posi-  
princes excommunicated or deprived by the pope or any  
of the see of Rome may be deposed or murdered by  
acts or any other whatsoever ; and I do declare, that no for-  
ce, person, prelate, state or potentate hath or ought to  
power, jurisdiction, superiority, preeminence or authority,  
secular or spiritual, within this realm, so help me God.'

Provided always, and be it declared, that this present par-  
liament may be dissolved after the usual manner, as if the same  
were summoned and called by writ.

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## 237. First Mutiny Act

(1689. 1 William and Mary, c. 5. 6 S. R. 55.)

**W**HEREAS the raising or keeping a standing army within this kingdom in time of peace, unless it be with consent of parliament, is against law; and whereas it is judged necessary by their majesties and this present parliament that during this time of danger several of the forces which are now on foot should be continued, and others raised, for the safety of the kingdom, for the common defence of the Protestant religion and for the reducing of Ireland;

And whereas no man may be forejudged of life or limb, or subjected to any kind of punishment, by martial law or in any other manner, than by the judgment of his peers and according to the known and established laws of this realm, yet nevertheless it being requisite for retaining such forces as are or shall be raised during this exigence of affairs in their duty, an exact discipline be observed, and that soldiers who shall mutiny or stir up sedition or shall desert their majesties' service be brought to a more exemplary and speedy punishment than the usual forms of law will allow:

II. Be it therefore enacted by the king and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by authority of the same, that, from and after the twelfth day of April in the year of our Lord one thousand six hundred eighty nine, every person being in their majesties' service in the army and being mustered and in pay as an officer or soldier, who shall at any time before the tenth day of November in the year of our Lord one thousand six hundred eighty nine excite, cause or join in any mutiny or sedition in the army, or shall desert their majesties' service in the army, shall suffer death or such other punishment, as by a court martial shall be inflicted.

III. And it is hereby further enacted and declared, that their majesties, or the general of their army for the time being, may by virtue of this act have full power and authority to grant commissions to any lieutenants-general or other officers not under the degree of colonels, from time to time, to call and assemble courts martial for punishing such offences as aforesaid.



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and it is hereby further enacted and declared, that no court martial which shall have power to inflict any punishment by virtue of this act for the offences aforesaid shall consist of more than thirteen, whereof none to be under the degree of

Provided always, that no field officer be tried by other than field officers, and that such court martial shall have power and authority to administer an oath to any witness, in order to the conviction or trial of the offences aforesaid.

Provided always, that nothing in this act contained shall be construed to exempt any officer or soldier whatsoever from the ordinary process of law.

Provided always, that this act or anything therein contained shall not extend or be any wise construed to extend to or apply to any the militia forces of this kingdom.

Provided also, that this act shall continue and be in force until the said tenth day of November in the said year of one thousand six hundred eighty nine, and no longer.

Provided always, and be it enacted, that in all trials of any person by courts martial to be held by virtue of this act, where any person may be punished by death, every officer present at the trial before any proceeding be had thereupon shall take an oath before the evangelists before the court (and the judge advocate and the clerk shall and are hereby respectively authorized

## 238. The Toleration Act

(1689, May 24. 1 William and Mary, c. 18. 6 S. R. 74. The whole reprinted in G. and H. 654-664.)

**F**ORASMUCH as some ease to scrupulous consciences in the exercise of religion may be an effectual means to unite Their Majesties' Protestant subjects in interest and affection:

II. Be it enacted by the king and queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal and the commons in this present parliament assembled, and by the authority of the same, that neither the statute made in the three and twentieth year of the reign of the late Queen Elizabeth, entitled, An Act to Retain the Queen's Majesty's Subjects in their due Obedience; nor the statute made in the twenty ninth year of the said queen, entitled, An Act for the more speedy and due Execution of certain Branches of the Statute made in the three and twentieth year of the Queen's Majesty's Reign, viz. the aforesaid act; nor that branch or clause of a statute made in the first year of the reign of the said queen, entitled, An Act for [the] Uniformity of Common Prayer and Service in the Church and Administration of the Sacraments, whereby all persons having no lawful or reasonable excuse to be absent are required to resort to their parish church or chapel or some usual place where the common prayer shall be used upon pain of punishment by the censures of the church and also upon pain that every person so offending shall forfeit for every such offence twelve pence; nor the statute made in the third year of the reign of the late King James the First, entitled, An Act for the better Discovering and Repressing Popish Recusants; nor that other statute made in the same year, entitled, An Act to Prevent and Avoid Dangers which may grow by Popish Recusants; nor any other law or statute of this realm made against papists or popish recusants, except the statute made in the five and twentieth year of King Charles the Second, entitled, An Act for Preventing Dangers which may happen from Popish Recusants; and except also the statute made in the thirtieth year of the said King Charles the Second, entitled, An Act for the more effectual preserving the King's Person and Government by disabling Papists from sitting in either House of Parliament; shall be construed to extend to any person or persons dissenting from the Church of England, that shall take the oaths mentioned in a statute made this present parliament, entitled, An Act for removing and

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g all Questions and Disputes concerning the assembling  
g of this present Parliament; and shall make and sub-  
declaration mentioned in a statute made in the thirtieth  
ng Charles the Second, entitled, An Act to prevent Pa-  
sitting in either House of Parliament, which oaths and  
n the justices of peace at the general sessions of the  
be held for the county or place, where such person shall  
ereby required to tender and administer to such persons  
ffer themselves to take, make and subscribe the same  
of to keep a register; and likewise none of the persons  
shall give or pay as any fee or reward to any officer or  
longing to the court aforesaid above the sum of six  
r that more than once, for his or their entry of his taking  
aths, and making and subscribing the said declaration  
the further sum of six pence for any certificate of the  
e made out and signed by the officer or officers of the

nd be it further enacted by the authority aforesaid, that  
ery person and persons already convicted, or prosecuted  
o conviction, of recusancy by indictment, information,  
debt or otherwise grounded upon the aforesaid statutes  
m, that shall take the said oaths mentioned in the  
ndations aforesaid, and make and subscribe

said, that if any assembly of persons dissenting from the Church of England shall be had in any place for religious worship with the doors locked, barred or bolted during any time of such meeting together, all and every person or persons that shall come to and be at such meeting shall not receive any benefit from this law, but be liable to all the pains and penalties of all the aforesaid laws recited in this act for such their meeting, notwithstanding his taking the oaths and his making and subscribing the declaration aforesaid.

VI. Provided always, that nothing herein contained shall be construed to exempt any of the persons aforesaid from paying of tithes or other parochial duties or any other duties to the church or minister, nor from any prosecution in any ecclesiastical court or elsewhere for the same.

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VIII. And be it further enacted by the authority aforesaid, that no person dissenting from the Church of England in holy orders or pretended holy orders or pretending to holy orders, nor any preacher or teacher of any congregation of dissenting Protestants, that shall make and subscribe the declaration aforesaid and take the said oaths at the general or quarter sessions of the peace to be held for the county, town, parts or division where such person lives, which court is hereby impowered to administer the same, and shall also declare his approbation of and subscribe the articles of religion mentioned in the statute made in the thirteenth year of the reign of the late Queen Elizabeth, except the thirty-fourth, thirty-fifth and thirty-sixth and these words of the twentieth article, viz. \* \* \* the Church hath power to decree rights or ceremonies, and authority in controversies of faith and yet \* \* \*, shall be liable to any of the pains or penalties mentioned in an act made in the seventeenth year of the reign of King Charles the Second, entitled, An Act for restraining Nonconformists from inhabiting in Corporations; nor the penalties mentioned in the aforesaid act, made in the two and twentieth year of his said late majesty's reign, for or by reason of such persons preaching at any meeting for the exercise of religion, nor to the penalty of one hundred pounds mentioned in an act made in the thirteenth and fourteenth of King Charles the Second, entitled, An Act for the Uniformity of Public Prayers and Administration of Sacraments and other Rites and Ceremonies, and for establishing the Form of making, ordaining and consecrating of Bishops, Priests and Deacons in the Church of England, for officiating in any con-

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for the exercise of religion permitted and allowed by

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Provided always, and it is the true intent and meaning  
t, that all the laws made and provided for the frequent-  
ine service on the Lord's day, commonly called Sunday,  
all in force and executed against all persons that offend  
e said laws, except such persons come to some congre-  
assembly of religious worship allowed or permitted by

Provided always, and be it further enacted by the  
aforesaid, that neither this act nor any clause, article or  
ein contained shall extend or be construed to extend to  
ease, benefit or advantage to any papist or popish  
whatsoever, or any person that shall deny in his preach-  
ting the doctrine of the Blessed Trinity, as it is declared  
resaid articles of religion.

• • • • •

Provided always, that no congregation or assembly for  
worship shall be permitted or allowed by this act, until  
of such meeting shall be certified to the bishop of the  
or to the arch-deacon of that arch-deaconry, or to the

and known by the names and style of William and Mary, prince and princess of Orange, being present in their proper persons, a certain declaration in writing made by the said lords and commons in the words following viz. :

Whereas the late king James the Second by the assistance of divers evil counsellors, judges and ministers employed by him did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom.

) By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of parliament.

) By committing and prosecuting divers worthy prelates for humbly petitioning to be excused from concurring to the said assumed power.

) By issuing and causing to be executed a commission under the great seal for erecting a court, called the court of commissioners for ecclesiastical causes.

) By levying money for and to the use of the crown, by pretence of prerogative, for other time and in other manner than the same was granted by parliament.

) By raising and keeping a standing army within this kingdom in time of peace, without consent of parliament, and quartering of soldiers contrary to law.

) By causing several good subjects being Protestants to be disarmed, at the same time when papists were both armed and employed, contrary to law.

) By violating the freedom of election of members to serve in parliament.

) By prosecutions in the court of king's bench for matters and causes cognizable only in parliament, and by divers other arbitrary and illegal courses.

) And whereas of late years partial, corrupt and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders.

) And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

) And excessive fines have been imposed.

) And illegal and cruel punishments have been inflicted.

) And several grants and promises made of fines and forfeitures before any conviction or judgment against the persons upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes and freedom of this realm.

And whereas the said late king James the Second having abdicated the government and the throne being thereby vacant, His Highness the prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the lords spiritual and temporal and divers principal persons of the commons) cause letters to be written to the lords spiritual and temporal, being Protestants; and other letters to the several counties, cities, universities, boroughs and Cinque ports for the choosing of such persons to represent them, as were of right to be sent to parliament, to meet and sit at Westminster upon the two and twentieth day of January in this year one thousand six hundred eighty and eight, in order to such an establishment as that their religion, laws and liberties might not again be in danger of being subverted; upon which letters elections having been accordingly made,

And thereupon the said lords spiritual and temporal and commons pursuant to their respective letters and elections being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare:

That the pretended power of suspending of laws or the execution of laws by regal authority without consent of parliament is illegal.

That the pretended power of dispensing with laws or the execution of laws by regal authority as it hath been assumed and exercised of late is illegal.

That the commission for erecting the late court of commissioners for ecclesiastical causes and all other commissions and courts of like nature are illegal and pernicious.

That the levying money for or to the use of the crown by pretence of prerogative without grant of parliament for a longer time or in other manner than the same is or shall be granted is illegal.

That it is the right of the subjects to petition the king and all commitments and prosecutions for such petitioning are illegal.

That the raising or keeping a standing army within the kingdom in time of peace unless it be with consent of parliament is against law.

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law.

That election of members of parliament ought to be free.

That the freedom of speech and debates or proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament.

That excessive bail ought not to be required nor excessive fines imposed nor cruel and unusual punishments inflicted.

That jurors ought to be duly impanelled and returned and jurors which pass upon men in trials for high treason ought to be freeholders.

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

And that for redress of all grievances and for the amending, strengthening and preserving of the laws parliaments ought to be held frequently.

And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties and that no declarations, judgments, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example. To which demand of their rights they are particularly encouraged by the declaration of His Highness the prince of Orange as being the only means for obtaining a full redress and remedy therein. Having therefore an entire confidence that His said Highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights and liberties, the said lords spiritual and temporal and commons assembled at Westminster do resolve, that William and Mary, prince and princess of Orange, be and be declared king and queen of England, France and Ireland and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said prince and princess during their lives and the life of the survivor of them; and that the sole and full exercise of the regal power be only in and executed by the said prince of Orange in the names of the said prince and princess during their joint lives; and after their deceases the said crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said princess; and for default of such issue to the princess Anne of Denmark and the heirs of her body; and for default of such issue to the heirs of the body of the said prince of Orange. And the



lords spiritual and temporal and commons do pray the said prince and princess to accept the same accordingly. And that the oaths hereafter mentioned to be taken by all persons of whom the oaths of allegiance and supremacy might be required by law instead of them; and that the said oaths of allegiance and supremacy be abrogated.

"I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to Their Majesties King William and Queen Mary."

"I, A. B., do swear, that I do from my heart abhor, detest and abjure as impious and heretical this damnable doctrine and position, that princes excommunicated or deprived by the pope or any authority of the see of Rome may be deposed or murdered by their subjects or any other whatsoever. And I do declare that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, preeminence or authority, ecclesiastical or spiritual, within this realm. So help me God."

Upon which Their said Majesties did accept the crown and royal dignity of the kingdoms of England, France and Ireland and the dominions thereunto belonging, according to the resolution and desire of the said lords and commons, contained in the said declaration. And thereupon Their Majesties were pleased, that the said lords spiritual and temporal and commons being the two houses of parliament should continue to sit, and with Their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted, to which the lords spiritual and temporal and commons did agree and proceed to act accordingly. Now in pursuance of the premises, the lords spiritual and temporal and commons in parliament assembled, for the ratifying, confirming and establishing the said declaration and the articles, clauses, matters and things therein contained, by the force of a law made in due form by authority of parliament, do pray that it may be declared and enacted, that all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed and taken to be, and that all and every the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever shall serve Their Majesties and their successors according to the

same in all times to come. And the said lords spiritual and temporal and commons, seriously considering how it hath pleased Almighty God in His marvellous providence and merciful goodness to this nation to provide and preserve Their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto Him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly and in the sincerity of their hearts think, and do hereby humbly recognize, acknowledge and declare, that King James the Second having abdicated the government and Their Majesties having accepted the crown and royal dignity [as] afore-said, Their said Majesties did become, were, are and of right ought to be by the laws of this realm our sovereign liege lord and lady, king and queen of England, France and Ireland and the dominions thereunto belonging, in and to whose princely persons the royal state, crown and dignity of the said realms, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining, are most fully, rightfully and entirely invested and incorporated, united and annexed; and for preventing all questions and divisions in this realm by reason of any pretended titles to the crown and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity and safety of this nation doth under God wholly consist and depend, the said lords spiritual and temporal and commons do beseech Their Majesties, that it may be enacted, established and declared, that the crown and regal government of the said kingdom and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to Their said Majesties and the survivor of them during their lives and the life of the survivor of them; and that the entire, perfect and full exercise of the regal power and government be only in and executed by His Majesty, in the names of both Their Majesties, during their joint lives; and after their deceases the said crown and premises shall be and remain to the heirs of the body of Her Majesty; and for default of such issue to Her Royal Highness the princess Anne of Denmark and the heirs of her body; and for default of such issue to the heirs of the body of His said Majesty; and thereunto the said lords spiritual and temporal and commons do in the name of all the people afore-said most humbly and faithfully submit themselves, their heirs and posterities forever; and do faithfully promise that they will stand to, maintain and defend Their said Majesties, and also the limitation and succession of the crown herein specified and con-

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the utmost of their powers with their lives and estates  
persons whatsoever that shall attempt anything to the  
And whereas it hath been found by experience, that it  
tent with the safety and welfare of this Protestant king-  
governed by a popish prince or by any king or queen  
papist, the said lords spiritual and temporal and com-  
rather pray, that it may be enacted, that all and every  
persons that is, are or shall be reconciled to or shall  
union with the See or Church of Rome, or shall profess  
religion, or shall marry a papist, shall be excluded and  
incapable to inherit, possess or enjoy the crown and  
of this realm and Ireland and the dominions there-  
ing, or any part of the same, or to have, use or exer-  
cise any legal power, authority or jurisdiction within the same;  
and every such case or cases the people of these  
shall be and are hereby absolved of their allegiance, and  
crown and government shall from time to time descend  
enjoyed by such person or persons, being Protestants, as  
inherited and enjoyed the same, in case the said per-  
sons so reconciled, holding communion, or professing, or  
as aforesaid, were naturally dead; and that every king  
of this realm, who at any time hereafter shall come to  
the imperial crown of this kingdom, shall on the

law of this realm forever; and the same are by Their said Majesties, by and with the advice and consent of the lords spiritual and temporal and commons in parliament assembled, and by the authority of the same, declared, enacted and established accordingly.

II. And be it further declared and enacted by the authority aforesaid, that, from and after this present session of parliament, no dispensation by *non obstante* of or to any statute or any part thereof shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such case as shall be specially provided for by one or more bill or bills to be passed during this present session of parliament.

III. Provided that no charter or grant or pardon, granted before the three and twentieth day of October in the year of our Lord one thousand six hundred eighty-nine, shall be any ways impeached or invalidated by this act, but that the same shall be and remain of the same force and effect in law and no other than as if this act had never been made.

## 240. Act Restoring Charter of London

(1690, May 14. 2 William and Mary, c. 8. 6 S. R. 171.)

**W**HEREAS a judgment was given in the court of king's bench in or about Trinity term, in the five and thirtieth year of the reign of the late king Charles the Second, upon an information in the nature of a Quo Warranto, exhibited in the said court against the mayor and commonalty and citizens of the city of London, that the liberty, privilege and franchise of the said mayor and commonalty and citizens, being a body politic and corporate, should be seized into the king's hands as forfeited: and forasmuch as the said judgment and the proceedings thereupon is and were illegal and arbitrary; and for that the restoring of the said mayor and commonalty and citizens to their ancient liberties of which they had been deprived tends very much to the peace and good settlement of this kingdom; be it declared and enacted by the king and queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled and by authority of the same, that the said judgment given in the said

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king's bench, in the said Trinity term, in the five and  
year of the reign of the said king Charles the Second, or  
ther term, and all and every other judgment given or  
in the said court for the seizing into the said late  
nds the liberty, privilege or franchise of the mayor and  
ity and citizens of the city of London of being of them-  
body corporate and politic, by the name of the mayor  
monalty and citizens of the city of London, and by that  
plead and be impleaded and to answer and to be  
, or in what manner or words soever such judgment was  
, shall be and are hereby reversed, annulled and made  
all intents and purposes whatsoever, and that vacats be  
upon the rolls of the said judgment for the vacating and  
of the same accordingly.

and be it further declared and enacted by the authority  
. that the mayor and commonalty and citizens of the city  
on shall and may forever hereafter remain, continue and  
prescribe to be, a body corporate and politic *in re facto*  
e by the name of mayor and commonalty and citizens  
of London, and by that name and all and every other  
names of incorporation, by which they at any time  
e said judgment were incorporated, to sue, plead and be  
ed and to answer and to be answered, without any seizure

## 241. The Triennial Act

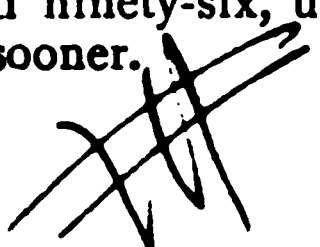
(1694, December 22. 6 & 7 William and Mary, c. 2. 6 S. R. 510.)

WHEREAS by the ancient laws and statutes of this kingdom frequent parliament sought to be held, and whereas frequent and new parliaments tend very much to the happy union and good agreement of the king and people, we Your Majesties' most loyal and obedient subjects, the lords spiritual and temporal and commons in this present parliament assembled, do most humbly beseech Your most excellent Majesties, that it may be declared and enacted in this present parliament, and it is hereby declared and enacted by the king and queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled and by the authority of the same, that from henceforth a parliament shall be holden once in three years at the least.

II. And be it further enacted by the authority aforesaid, that within three years at the farthest from and after the dissolution of this present parliament, and so from time to time forever hereafter within three years at the farthest from and after the determination of every other parliament, legal writs under the great seal shall be issued by directions of Your Majesties, your heirs and successors, for calling, assembling and holding another new parliament.

III. And be it further enacted by the authority aforesaid, that from henceforth no parliament whatsoever, that shall at any time hereafter be called, assembled or held, shall have any continuance longer than for three years only at the farthest, to be accounted from the day on which by the writs of summons the said parliament shall be appointed to meet.

IV. And be it further enacted by the authority aforesaid, that this present parliament shall cease and determine on the first day of November, which shall be in the year of our Lord one thousand six hundred ninety-six, unless Their Majesties shall think fit to dissolve it sooner.



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## 242. Treason Trials Act

(1696. 7 & 8 William III. c. 3. 7 S. R. 6.)

**R**EAS nothing is more just and reasonable than that persons prosecuted for high treason and misprision of treason, the liberties, lives, honour, estates, blood and posterity of subjects may be lost and destroyed, should be justly and speedily tried, and that persons accused as offenders therein should have access to all just and equal means for defence of themselves in such cases; in order whereunto and for the better ordering of trials of persons prosecuted for high treason and felony of such treason, be it enacted by the king's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled, and by the authority of the same, that from the first day of March in the year of our said Lord's thousand six hundred ninety-six all and every person or persons whatsoever, that shall be accused and indicted for high treason, whereby any corruption of blood may or shall be committed by any such offender or offenders or to any the heir or heirs of any offender or offenders, or for misprision of such treason, shall have a true copy of the whole indictment, but not

ing two, as the person or persons shall desire, to whom such counsel shall have free access at all seasonable hours; any law or usage to the contrary notwithstanding.

II. And be it further enacted, that from and after the said five and twentieth day of March in the year of our lord one thousand six hundred ninety-six, no person or persons whatsoever shall be indicted, tried or attainted of high treason, whereby any corruption of blood may or shall be made to any such offender or offenders or to any the heir or heirs of any such offender or offenders, or of misprision of such treason, but by and upon the oaths and testimony of two lawful witnesses, either both of them to the same overt act, or one of them to one and another of them to another overt act of the same treason; unless the party indicted and arraigned or tried shall willingly, without violence, in open court confess the same, or shall stand mute or refuse to plead, or in cases of high treason shall peremptorily challenge above the number of thirty-five of the jury; any law, statute or usage to the contrary notwithstanding.

\* \* \* \* \*

IV. And be it further enacted and declared by the authority aforesaid, that if two or more distinct treasons of divers heads or kinds shall be alleged in one bill of indictment, one witness produced to prove one of the said treasons, and another witness produced to prove another of the said treasons, shall not be deemed or taken to be two witnesses to the same treason within the meaning of this act.

V. And to the intent that the terror and dread of such criminal accusations may in some reasonable time be removed, be it further enacted by the authority aforesaid, that from and after the said five and twentieth day of March in the year of our Lord one thousand six hundred ninety-six, no person or persons whatsoever shall be indicted, tried or prosecuted for any such treason as aforesaid, or for misprision of such treason, that shall be committed or done within the kingdom of England, dominion of Wales or town of Berwick upon Tweed, after the said five and twentieth day of March in the year of our Lord one thousand six hundred ninety-six, unless the same indictment be found by a grand jury within three years next after the treason or offence done and committed.

VI. And that no person or persons shall be prosecuted for any such treason or misprision of such treason, committed or done or to be committed or done within the kingdom of Eng-



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minion of Wales or town of Berwick upon Tweed before five and twentieth day of March, unless he or they shall be indicted thereof within three years after the said five and twentieth day of March; always provided and excepted, that if any person or persons whatsoever shall be guilty of designing, contriving or attempting any assassination on the body of the King, or poisoning or otherwise, such person or persons may be indicted at any time, notwithstanding the aforesaid limitation.

And all and every person and persons, who shall be indicted and tried for such treason as aforesaid, or for commission of such treason, after the said five and twentieth day of March, in the year of our Lord one thousand six hundred and six, shall have copies of the panel of the jurors who are to be sworn, duly returned by the sheriff, and delivered unto them respectively, two days before he or they shall be tried for the same; and that persons so accused and indicted for any such treason as aforesaid, shall have the like process of the court, where they shall be tried, to compel their witnesses to appear for them at any such trials, as is usually granted to compel witnesses to appear for them.

And be it further enacted, that no evidence shall be given of any secret act, that is not expressly laid in

subscribing and audibly repeating the declaration mentioned in An Act for the more effectual preserving the King's Person and Government by disabling Papists from sitting in either House of Parliament, and made in the thirtieth year of the reign of the late king Charles the Second.

XI. Provided always, that neither this act nor anything therein contained shall any way extend or be construed to extend to any impeachment or other proceedings in parliament in any kind whatsoever.

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## 243. The Act of Settlement.

(1701, June 12. 12 & 13 William III. c. 2. 7 S. R. 636. Stubbs, Select Charters, 528-531. G. and H. 664-670.)

WHEREAS in the first year of the reign of Your Majesty and of our late most gracious sovereign lady queen Mary (of blessed memory) an act of parliament was made, entitled, An Act for declaring the Rights and Liberties of the Subject and for settling the Succession of the Crown, wherein it was (amongst other things) enacted, established and declared, that the crown and regal government of the kingdoms of England, France and Ireland, and the dominions thereunto belonging, should be and continue to Your Majesty and the said late queen during the joint lives of Your Majesty and the said queen and to the survivor; and that after the decease of Your Majesty and of the said queen the said crown and regal government should be and remain to the heirs of the body of the said late queen; and for default of such issue to Her Royal Highness the princess Anne of Denmark and the heirs of her body; and for default of such issue to the heirs of the body of Your Majesty. And it was thereby further enacted, that all and every person and persons that then were or afterwards should be reconciled to or should hold communion with the See or Church of Rome, or should profess the popish religion, or marry a papist, should be excluded, and are by that act made forever incapable to inherit, possess or enjoy the crown and government of this realm and Ireland and the dominions thereunto belonging or any part of the same, or to have, use or exercise any regal power, authority or jurisdiction within the same; and in all and every such case and cases the people of these realms shall be and are thereby absolved of their allegiance; and that the said

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...d government shall from time to time descend to and be  
...v such person or persons, being Protestants, as should  
...nted and enjoyed the same, in case the said person or  
...o reconciled, holding communion, professing or marry-  
...resaid, were naturally dead. After the making of which  
...d the settlement therein contained, Your Majesty's good  
...who were restored to the full and free possession and  
...nt of their religion, rights and liberties by the provi-  
...God giving success to Your Majesty's just undertakings  
...rried endeavours for that purpose, had no greater tem-  
...city to hope or wish for, than to see a royal progeny  
...ng from Your Majesty, to whom (under God) they owe  
...quillity, and whose ancestors have for many years been  
...assertors of the reformed religion and the liberties of  
...nd from our said most gracious sovereign lady, whose  
...will always be precious to the subjects of these realms;  
...ing since pleased Almighty God to take away our said  
...lady, and also the most hopeful prince William, duke of  
...er, (the only surviving issue of Her Royal Highness the  
...Anne of Denmark), to the unspeakable grief and sorrow  
...Majesty and your said good subjects, who, under such  
...ing sensibly put in mind, that it standeth wholly in the  
...t Almighty God to prolong the lives of Your Majesty

and be it enacted and declared by the king's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, that the most excellent princess Sophia, electress and duchess dowager of Hanover, daughter of the most excellent princess Elizabeth, late queen of Bohemia, daughter of our late sovereign lord king James the First, of happy memory, be and is hereby declared to be the next in succession in the Protestant line to the imperial crown and dignity of the said realms of England, France and Ireland, with the dominions and territories thereunto belonging, after His Majesty and the princess Anne of Denmark, and in default of issue of the said princess Anne and of His Majesty respectively; and that from and after the deceases of His said Majesty our now sovereign lord and of Her Royal Highness the princess Anne of Denmark, and for default of issue of the said princess Anne and of His Majesty respectively, the crown and regal government of the said kingdoms of England, France and Ireland and of the dominions thereunto belonging, with the royal state and dignity of the said realms and all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining, shall be, remain and continue to the said most excellent princess Sophia and the heirs of her body, being Protestants; and thereunto the said lords spiritual and temporal and commons shall and will, in the name of all the people of this realm, most humbly and faithfully submit themselves, their heirs and posterities, and do faithfully promise that after the deceases of His Majesty and Her Royal Highness, and the failure of the heirs of their respective bodies, to stand to, maintain and defend the said princess Sophia and the heirs of her body, being Protestants, according to the limitation and succession of the crown in this act specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary.

II. Provided always, and it is hereby enacted, that all and every person and persons, who shall or may take or inherit the said crown, by virtue of the limitation of this present act, and is, are or shall be reconciled to or shall hold communion with the See or Church of Rome, or shall profess the popish religion, or shall marry a papist, shall be subject to such incapacities, as in such case or cases are by the said recited act provided, enacted and established; and that every king and queen of this realm, who shall come to and succeed in the imperial crown of this kingdom

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of this act, shall have the coronation oath administered to them, at their respective coronations, according to the parliament made in the first year of the reign of His Majesty the said late queen Mary, entitled, An Act for establishing the Coronation Oath, and shall make, subscribe and repeat the same in the act first above recited, mentioned or referred to, in the manner and form, thereby prescribed.

And whereas it is requisite and necessary that some further provision be made for securing our religion, laws and liberties, after the death of His Majesty and the princess Anne of Denmark, and in default of issue of the body of the said princess Anne respectively; be it enacted by the king's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in parliament assembled, with the authority of the same:

That whosoever shall hereafter come to the possession of this crown shall join in communion with the Church of England as by law established.

And in case the crown and imperial dignity of this realm shall come to any person, not being a native of this kingdom, and, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the crown of England, without consent of parliament.

king or receives a pension from the crown shall be capable of serving as a member of the house of commons.

That after the said limitation shall take effect as aforesaid, judges commissions be made *quam diu se bene gesserint*, and their salaries ascertained and established, but upon the address of both houses of parliament it may be lawful to remove them.

That no pardon under the great seal of England be pleadable to an impeachment by the commons in parliament.

IV. And whereas the laws of England are the birthright of the people thereof, and all the kings and queens who shall ascend the throne of this realm ought to administer the government of the same according to the said laws, and all their officers and ministers ought to serve them respectively according to the same; the said lords spiritual and temporal and commons do therefore further humbly pray, that all the laws and statutes of this realm for securing the established religion and the rights and liberties of the people thereof, and all other laws and statutes of the same now in force, may be ratified and confirmed, and the same are by His Majesty, by and with the advice and consent of the said lords spiritual and temporal and commons, and by authority of the same, ratified and confirmed accordingly.

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## 244. Act of Union with Scotland.

(1706, March 6. 5 Anne, c. 8. 8 S. R. 566.)

**M**OST gracious sovereign,  
Whereas Articles of Union were agreed on, the twenty-second day of July in the fifth year of Your Majesty's reign, by the commissioners nominated on behalf of the kingdom of England under Your Majesty's great seal of England, bearing date at Westminster the tenth day of April then last past, in pursuance of an act of parliament made in England in the third year of Your Majesty's reign, and the commissioners nominated on the behalf of the kingdom of Scotland under Your Majesty's great seal of Scotland, bearing date the twenty-seventh day of February in the fourth year of Your Majesty's reign, in pursuance of the fourth act of the third session of the present parliament of Scotland, to treat of and concerning an union of the said kingdoms; and whereas an act hath passed in the parliament of Scotland at Edinburgh the sixteenth day of January in the fifth year of Your Majesty's reign, wherein 'tis mentioned, that the estates of parliament considering the said

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of Union of the two kingdoms had agreed to and approved the said Articles of Union, with some additions and explanations, that Your Majesty, with the advice and consent of the parliament, for establishing the Protestant religion and Presbyterian church government within the kingdom of Scotland, passed in the same session of parliament an act, intituled, An Act for securing of the Protestant Religion and Presbyterian Government, which by the tenor thereof was appointed to be inserted in any act ratifying the treaty, and was declared to be a fundamental and essential condition of the said treaty or union in all times coming; the tenor of the said articles, as ratified and approved of with additions and alterations by the said act of parliament of Scotland, follows.

### ARTICLE I

That the two kingdoms of England and Scotland shall upon the first of May which shall be in the year one thousand seven hundred and seven, and forever after, be united into one kingdom by the name of Great Britain; and that the ensigns armorial of the said Kingdom be such as Her Majesty shall appoint, and that the ensigns of St. George and St. Andrew be conjoined in such manner as Her Majesty shall think fit, and used in all flags, banners,

dead, according to the provision for the descent of the crown of England, made by another act of parliament in England in the first year of the reign of Their late Majesties, king William and queen Mary, entitled, An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown.

ARTICLE III

That the United Kingdom of Great Britain be represented by one and the same parliament to be styled the Parliament of Great Britain.

ARTICLE IV

That all the subjects of the United Kingdom of Great Britain shall from and after the union have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles.

\* \* \* \* \*

ARTICLE XVIII

That the laws concerning regulation of trade, customs and such excises, to which Scotland is by virtue of this treaty to be liable, be the same in Scotland from and after the union as in England; and that all other laws in use within the kingdom of Scotland do after the union and notwithstanding thereof remain in the same force as before, (except such as are contrary to or inconsistent with this treaty), but alterable by the parliament of Great Britain; with this difference betwixt the laws concerning public right, policy and civil government and those which concern private right, that the laws which concern public right, policy and civil government may be made the same throughout the whole United Kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the subjects within Scotland.

ARTICLE XIX

That the Court of Session or College of Justice do after the union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, \* \* \* and that all inferior courts within the said limits do



remain subordinate, as they are now, to the supreme courts of justice within the same, in all time coming; and that no causes in Scotland be cognizable by the courts of chancery, queen's bench, common pleas, or any other court in Westminster Hall; \* \* \*

\* \* \* \* \*

#### ARTICLE XXII

That by virtue of this treaty, of the peers of Scotland at the time of the union sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of Scotland in the house of commons of the parliament of Great Britain; and that when Her Majesty, her heirs or successors, shall declare her or their pleasure for holding the first or any subsequent parliament of Great Britain, until the parliament of Great Britain shall make further provision therein, a writ do issue under the great seal of the United Kingdom directed to the privy council of Scotland, commanding them to cause sixteen peers who are to sit in the house of lords to be summoned to parliament, and forty-five members to be elected to sit in the house of commons of the parliament of Great Britain, according to the agreement in this treaty, in such manner as by an act of this present session of the parliament of Scotland is or shall be settled; which act is hereby declared to be as valid as if it were a part of and engrossed in this treaty; and that the names of the persons so summoned and elected shall be returned by the privy council of Scotland into the court from whence the said writ did issue. \* \* \*

\* \* \* \* \*

And the tenor of the aforesaid 'Act for securing of the Protestant Religion and Presbyterian Church Government within the Kingdom of Scotland' is as follows:

\* \* \* \* \*

\* \* \* And further Her Majesty with advice aforesaid expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, but all and every one of them forever free of any oath, test or subscription within this kingdom, contrary to or inconsistent with the foresaid true Protestant religion and Presbyterian church government, worship and discipline, as above established; and that the same within the bounds of this church and kingdom shall never be imposed upon or required of them in any sort; and lastly, that after the decease of Her present Majesty (whom God long preserve) the sovereign succeeding to her in the royal government of the kingdom of Great Britain shall

in all time coming, at his or her accession to the crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid settlement of the true Protestant religion, with the government, worship, discipline, right and privileges of this church, as above established by the laws of this kingdom, in prosecution of the Claim of Right. \* \* \*

\* \* \* \* \*

X. May it therefore please Your most excellent Majesty, that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, that all and every the said Articles of Union as ratified and approved by the said act of parliament of Scotland, as aforesaid, and hereinbefore particularly mentioned and inserted; and also the said act of parliament of Scotland for establishing the Protestant religion and Presbyterian church government within that kingdom, entitled, \* \* \*, and every clause, matter and thing in the said articles and act contained, shall be, and the said articles and acts are hereby forever ratified, approved and confirmed.

\* \* \* \* \*

## 245. The Place Act

(1707. 6 Anne, c. 7. First enacted in 1705, in 4 Anne, c. 8. 8 S. R. 742.)

\* \* \* \* \*

XXIV. AND be it further enacted by the authority aforesaid, that no person who shall have in his own name or in the name of any person or persons in trust for him or for his benefit any new office or place of profit whatsoever under the crown, which at any time since the five and twentieth day of October in the year of our Lord one thousand seven hundred and five have been created or erected, or hereafter shall be created or erected, nor any person who shall be commissioner or sub-commissioner of prizes, secretary or receiver of the prizes, nor any comptroller of the accounts of the army, nor any commissioner of transports, nor any commissioner of the sick and wounded, nor any agent for any regiment, nor any commissioner for any wine licenses, nor any governor [or] deputy governor of any of the

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nor any commissioners of the navy employed in any ports, nor any person having any pension from the crown's treasure, shall be capable of being elected or of sitting or being a member of the house of commons in any parliament to be hereafter summoned and holden.

Provided always, that if any person being chosen a member of the house of commons shall accept of any office of profit from the crown, during such time as he shall continue a member his election shall be and is hereby declared to be void, and a writ shall issue for a new election, as if such person so elected was naturally dead, provided nevertheless that such person shall be capable of being again elected, as if his place had not been void as aforesaid.

Provided also, and be it enacted, that in order to prevent the future too great a number of commissioners to be made or constituted for the executing of any office, that no more than a number of commissioners shall be made or constituted for the execution of any office, than have been employed in the execution of such respective office at some time before the first day of the next parliament.

Provided also, that nothing herein contained shall be construed to extend to any member of the house of commons, or any officer in Her Majesty's navy or army, who

or to sit or vote in the house of commons of any parliament of Great Britain.

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## 246. The Riot Act

(1715, July 20. 1 George I. stat. 2, c. 5. 13 S. L. 142.)

I. WHEREAS of late many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of His Majesty's person and government, and the same are yet continued and fomented by persons disaffected to His Majesty, presuming so to do, for that the punishments provided by the laws now in being are not adequate to such heinous offences; and by such rioters His Majesty and his administration have been most maliciously and falsely traduced, with an intent to raise divisions, and to alienate the affections of the people from His Majesty: therefore for the preventing and suppressing of such riots and tumults, and for the more speedy and effectual punishing the offenders therein; be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and of the commons in this present parliament assembled, and by the authority of the same, that if any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, at any time after the last day of July in the year of our Lord one thousand seven hundred and fifteen, and being required or commanded by any one or more justice or justices of the peace, or by the sheriff of the county, or his under-sheriff, or by the mayor, bailiff, or bailiffs, or other head-officer, or justice of the peace of any city or town corporate, where such assembly shall be, by proclamation to be made in the king's name, in the form hereinafter directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve or more, (notwithstanding such proclamation made) unlawfully, riotously and tumultuously remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony without benefit of clergy, and the offenders

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shall be adjudged felons, and shall suffer death as in case without benefit of clergy.

Be it further enacted by the authority aforesaid, that the form of the proclamation that shall be made by the authority of this act, shall be as hereafter followeth (that is to say) that the justice of the peace, or other person authorized by this act, when he shall make the said proclamation shall, among the said rioters, or among them as he can safely come, with a loud voice command them to be commanded silence to be, while proclaiming, and after that, shall openly and with loud voice command them to be made proclamation in these words, or like

Whereby the sovereign lord the king chargeth and commandeth all persons assembled, immediately to disperse themselves, and to depart to their habitations, or to their lawful business, under the pains contained in the act made in the first year of the reign of King George, for preventing tumults and riotous assemblies.

God save the king.'

And every such justice and justices of the peace, sheriff, under-sheriff, mayor, bailiff, and other head officer aforesaid, within their respective jurisdictions, are hereby authorized, and required, on notice or knowledge of any such riotous assembly, to resort to the place

hereby required to seize and apprehend such persons so unlawfully, riotously and tumultuously continuing together after proclamation made, as aforesaid, and forthwith to carry the persons so apprehended before one or more of His Majesty's justices of the peace of the county or place where such persons shall be so apprehended, in order to their being proceeded against for such their offences according to law; and that if the persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed or hurt, in the dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, by reason of their resisting the persons so dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, that then every such justice of the peace, sheriff, under-sheriff, mayor, bailiff, head-officer, high or petty constable, or other peace-officer, or all and singular persons, being aiding and assisting to them, or any of them, shall be free, discharged and indemnified, as well against the king's Majesty, his heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously and tumultuously assembled, that shall happen to be so killed, maimed or hurt, as aforesaid.

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## 247. The Septennial Act

(1716, April 26. 1 George I. stat. 2, c. 38. 13 S. L. 283.)

WHEREAS in and by act of parliament made in the sixth year of the reign of their late Majesties king William and queen Mary (of ever blessed memory) entitled, An Act for the frequent Meeting and Calling of Parliaments: it was among other things enacted, that from thenceforth no parliament whatsoever, that should at any time then after be called, assembled or held, should have any continuance longer than for three years only at the farthest, to be accounted from the day on which by the writ of summons the said parliament should be appointed to meet: and whereas it has been found by experience, that the said clause hath proved very grievous and burdensome, by occasioning much greater and more continued expenses in order to elections of members to serve in parliament, and more violent

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ing heats and animosities among the subjects of this  
an were ever known before the said clause was enacted;  
said provision, if it should continue, may probably at  
ire, when a restless and popish faction are designing  
avouring to renew the rebellion within this kingdom, and  
on from abroad, be destructive to the peace and security  
overnment: be it enacted by the king's most excellent  
oy and with the advice and consent of the lords spiritual  
oral, and commons, in parliament assembled, and by  
ity of the same, that this present parliament, and all  
ts that shall at any time hereafter be called, assembled  
hall and may respectively have continuance for seven  
no longer, to be accounted from the day on which by  
of summons this present parliament hath been, or any  
liament shall be, appointed to meet, unless this pres-  
y such parliament hereafter to be summoned, shall be  
solved by His Majesty, his heirs or successors.

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### 248. The Peerage Bill

10, March 14 (Cobbett's Parliamentary History, vii. 592.)

appointed shall be one of the peers on the part of the peerage of Scotland, in the parliament of Great Britain, and so, *toties quoties*, as often as such failure shall happen.

6. That the hereditary right of sitting in parliament, which shall accrue to the 25 peers of Scotland, to be declared by his Majesty, shall be so limited as not to descend to females.

7. That the number of peers of Great Britain, on the part of England, shall not be enlarged, without precedent right, beyond six above what they are at present; but as any of the said present peers, or such six new peers, in case they be created, shall fail, their numbers may be supplied by new creations of commoners of Great Britain, born within the kingdom of Great Britain or Ireland, or any of the dominions thereunto belonging, or born of British parents, and so, *toties quoties*, as often as such failure shall happen.

8. That no person be at any time created by writ, nor any peerage granted by patent, for any longer estate than for the grantee, and the heirs male of his body.

9. That there be not any restraint upon the crown, from creating any of the princes of the blood, peers of Great Britain, with right to sit in parliament.

10. That whenever those lords now sitting in parliament, whose sons have been called by writ, shall die; then it shall be lawful for his Majesty, his heirs and successors, to create a peer to supply the number so lessened.

11. That every creation of a peer hereafter to be made, contrary to these resolutions, shall be null and void to all intents and purposes.

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## 249. Use of English Language in the Law Courts made Obligatory

(1731. 4 George II. c. 26. 16 S. L. 248.)

**W**HEREAS many and great mischiefs do frequently happen to the subjects of this kingdom, from the proceedings in courts of justice being in an unknown language, those who are summoned and impleaded having no knowledge or understanding of what is alleged for or against them in the pleadings of their lawyers and attorneys, who use a character not legible to any but persons practising the law: to remedy these great mischiefs, and



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the lives and fortunes of the subjects of that part of Great Britain called England, more effectually than heretofore, of being ensnared or brought in danger by forms of proceedings in courts of justice, in an unknown language, by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons of Great Britain in parliament assembled, and by the authority of the same, that from and after the twenty-fifth day of June one thousand seven hundred and thirty-three, all writs, returns thereof, and proceedings thereon, and all rules, orders, indictments, informations, inquisitions, verdicts, prohibitions, certificates, and all patents, pardons, commissions, records, judgments, statutes, ordinances, bonds, rolls, entries, fines and recoveries, and all writs relating thereunto, and all proceedings of courts leet, tithing, hundred, and customary courts, and all copies thereof, and proceedings whatsoever, in any courts of justice within that part of Great Britain called England, and in the court of exchequer in Scotland, and which concern the law and administration of justice, shall be in the English tongue and language only, and shall not be in Latin or French, or any other tongue or language, and shall be written in such a common legible hand as shall be directed by the said parliament, and shall be engrossed in parchment.

250. Judicial Commissions not to cease on the  
Demise of the Crown

(1760. 1 George III. c. 13. 23 S. L. 292.)

\* \* \* **B**E it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all persons who were justices of the peace at the time of the demise of His said late Majesty king George the Second, or who shall be justices of the peace at the time of the demise of His present Majesty, or any of his successors, kings or queens of this realm, or shall afterwards be appointed justices of the peace by any commission granted, or which shall be granted, by his said present Majesty, or which, after his demise, shall be granted by any of his successors, kings or queens of this realm, and who shall take the oaths of office of a justice of the peace, for any county, city and county, town and county, riding, or division, before the clerk of the peace of the respective county, city and county, town and county, riding, or division, for which any such justice or justices of the peace shall act, or intend to act, or the deputy of such respective clerk of the peace, and who shall have taken and subscribed at some general or quarter sessions of the peace the said oath, by the said herein before in part recited act, of the eighteenth year of His said late Majesty's reign, directed and required to be there taken and subscribed, shall and may act as a justice of the peace for such county, city and county, town and county, riding, or division, without being obliged to take and subscribe again the said oath, without incurring any penalty or forfeiture, for the not taking and subscribing thereof; the said herein before in part recited act, or any other statute, law, or usage to the contrary thereof in any wise notwithstanding: and that all acts, matters, and things, done or to be done, by all and every such justice and justices, or by authority derived, or to be derived, from him or them, are and shall be deemed and taken to all intents and purposes to be of the same force, effect, and validity, to all intents and purposes, as the same respectively would have been, if such person or persons had taken and subscribed such oath, by the said herein before in part recited act required to be

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... subscribed, at some general or quarter sessions for such  
city and county, town and county, riding or division, for  
or they did or should act, or intend to act.

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### . Camden's Decision against General Warrants

(1763. 19 State Trials, 1067.)

**H**IS lordship then went upon the warrant, which he declared was a point of the greatest consequence ever met with in his whole practice. The defendant a right, under precedents, to force persons' houses, open escrutores, seize their papers, etc. upon a general where no inventory is made of the things thus taken and where no offenders' names are specified in the warrant therefore a discretionary power given to messengers to wherever their suspicions may chance to fall. If such a

## 252. Mansfield's Decision against General Warrants

(1764. 19 State Trials, 1026-1027.)

THE last point is, 'whether this general warrant be good.'

At present — as to the validity of the warrant, upon the single objection of the incertainty of the person, being neither named nor described — the common law, in many cases, gives authority to arrest without warrant; more especially, where taken in the very act: and there are many cases where particular acts of parliament have given authority to apprehend, under general warrants; as in the case of writs of assistance, or warrants to take up loose, idle, and disorderly people. But here, it is not contended, that the common law gave the officer authority to apprehend; nor that there is any act of parliament which warrants this case.

Therefore it must stand upon principles of common law.

It is not fit, that the receiving or judging of the information should be left to the discretion of the officer. The magistrate ought to judge; and should give certain directions to the officer. This is so, upon reason and convenience.

Then as to authorities — Hale and all others hold such an uncertain warrant void: and there is no case or book to the contrary.

It is said 'that the usage has been so; and that many such have been issued, since the Revolution, down to this time.'

But a usage, to grow into law, ought to be a general usage, *communiter usitata et approbata*; and which, after a long continuance, it would be mischievous to overturn.

This is the only usage of a particular office, and contrary to the usage of all other justices and conservators of the peace.

There is the less reason for regarding this usage; because the form of the warrant probably took its rise from a positive statute; and the former precedents were inadvertently followed, after that law was expired.

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### Somerset's Case. Mansfield's Decision

(1771. 20 State Trials, 82.)

THE only question before us is, whether the cause on the return [to a habeas corpus] is sufficient? the negro must be remanded, if it is not, he must be set at liberty. Accordingly, the return states, that the slave demanded refused to serve; whereupon he was kept, to be sold. So high an act of dominion must be recognized by the law of this country where it is used. The power of a master over his slave has been extremely different, in different countries. The institution of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, upon which it was created, are lost, and time itself from whence it was created, is erased from memory. It is so odious, that nothing can be suffered to support it, but positive law. Whatever inconveniences, therefore, may follow from the decision, I cannot say this case is supported by or approved by the law of England; and therefore the negro must be discharged.

## 255. Dissolution of Parliament does not impair Impeachment.

(1790, December 20. 28 Parliamentary History, 1035.)

**M**R. BURKE moved: "That it appears that an impeachment by this house, in the name of the commons of Great Britain, in the parliament assembled, and of all the commons of Great Britain, against Warren Hastings, Esq., late governor general of Bengal for sundry high crimes and misdemeanours is now depending." Passed.

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## 256. Fox's Libel Act

(1792. 32 George III. c. 60. 37 S. L. 627.)

**W**HEREAS doubts have arisen whether on the trial of an indictment or information for the making or publishing any libel, where an issue or issues are joined between the king and the defendant or defendants, on the plea of not guilty pleaded, it be competent to the jury impanelled to try the same to give their verdict upon the whole matter in issue; be it therefore declared and enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, on every such trial, the jury sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter ~~pūf in issue~~ upon such indictment or information; and shall not be required or directed, by the court or judge before whom such indictment or information shall be tried, to find the defendant or defendants guilty, merely on the proof of the publication by such defendant or defendants of the paper charged to be a libel, and of a sense ascribed to the same in such indictment or information.

II. Provided always, that, on every such trial, the court or judge before whom such indictment or information shall be tried, shall, according to their or his discretion, give their or his opinion and directions to the jury on the matter in issue between the king

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defendant or defendants, in like manner as in other cases.

Provided also, that nothing herein contained shall extend, construed to extend, to prevent the jury from finding a verdict, in their discretion, as in other criminal cases.

Provided also, that in case the jury shall find the defendant or defendants guilty, it shall and may be lawful for the said defendant or defendants to move an arrest of judgment, on such point and in such manner as by law he or they might have done before the passing of this act; anything herein contained to the contrary notwithstanding.

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## Suspension of the Writ of Habeas Corpus

(1794. 34 George III. c. 54. 39 S. L. 556.)

WHEREAS a traitorous and detestable conspiracy has been formed for subverting the existing laws and constitution, and introducing the system of anarchy and confusion which lately prevailed in France: therefore, for the better preservation of His Majesty's sacred person, and for securing the peace and tranquillity of this kingdom, be it enacted

the act made in Scotland in the year of our Lord one thousand seven hundred and one, (entitled, An Act for preventing wrongful Imprisonment, and against undue Delays in Trials), in so far as the same may be construed to relate to cases of treason and suspicion of treason, be suspended until the first day of February one thousand seven hundred and ninety-five, and that until the said day no judge, justice of peace, or other officer of the law in Scotland, shall liberate, try, or admit to bail, any person or persons that is, are, or shall be, in prison within Scotland, for such causes as aforesaid, without order from His said Majesty's privy council, signed by six of the said privy council: provided always, that, from and after the said first day of February one thousand seven hundred and ninety-five, the said persons so committed shall have the benefit and advantage of all laws and statutes in any way relating to or providing for the liberty of the subjects of this realm, and that this present act shall continue until the said first day of February one thousand seven hundred and ninety-five, and no longer.

III. Provided always, and be it enacted, that nothing in this act shall be construed to extend to invalidate the ancient rights and privileges of parliament, or to the imprisonment or detaining of any member of either house of parliament during the sitting of such parliament, until the matter of which he stands suspected be first communicated to the house of which he is a member, and the consent of the said house obtained for his commitment or detaining.

## 258. Act of Union with Ireland

(1800 July 21. 40 George III. c. 67. 42 S. L. 648.)

**W**HEREAS in pursuance of His Majesty's most gracious recommendation to the two houses of parliament in Great Britain and Ireland respectively to consider of such measures as might best tend to strengthen and consolidate the connection between the two kingdoms, the two houses of the parliament of Great Britain and the two houses of the parliament of Ireland have severally agreed and resolved, that, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power, and resources of the British Empire, it will be advisable to concur in such measures as may best tend to



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two kingdoms of Great Britain and Ireland into one in such manner and on such terms and conditions, as established by the acts of the respective parliaments of Great Britain and Ireland.

Whereas, in furtherance of the said resolution, both houses of the said two parliaments respectively have likewise agreed upon certain articles for effectuating and establishing the said resolution in the tenor following:

### ARTICLE I

Be the first article of the union of the kingdoms of Great Britain and Ireland, that the said kingdoms of Great Britain and Ireland shall, upon the first day of January which shall be the year of our Lord one thousand eight hundred and one, and forever after, be united into one kingdom, by the name of the United Kingdom of Great Britain and Ireland; and that the style and titles appertaining to the imperial crown of the said United kingdom and its dependencies, and also the armorial flags and banners thereof, shall be such as His Majesty by his royal proclamation under the great seal of the said kingdom, shall be pleased to appoint.

### ARTICLE II

the number to sit and vote on the part of Ireland in the house of lords of the parliament of the united kingdom; and one hundred commoners (two for each county of Ireland, two for the city of Dublin, two for the city of Cork, one for the university of Trinity College, and one for each of the thirty-one most considerable cities, towns, and boroughs), be the number to sit and vote on the part of Ireland in the house of commons of the parliament of the united kingdom:

That such act as shall be passed in the parliament of Ireland previous to the union, to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the parliament of the united kingdom on the part of Ireland, shall be summoned and returned to the said parliament, shall be considered as forming part of the treaty of union, and shall be incorporated in the acts of the respective parliaments by which the said union shall be ratified and established:

That all questions touching the rotation or election of lords spiritual or temporal of Ireland to sit in the parliament of the united kingdom shall be decided by the house of lords thereof; and wherever, by reason of an equality of votes, in the election of any such lords temporal, a complete election shall not be made according to the true intent of this article, the names of those peers for whom such equality of votes shall be so given, shall be written on pieces of paper of a similar form, and shall be put into a glass, by the clerk of the parliaments at the table of the house of lords whilst the house is sitting; and the peer or peers whose name or names shall be first drawn out by the clerk of the parliaments, shall be deemed the peer or peers elected, as the case may be:

That any person holding any peerage of Ireland now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county, city, or borough of Great Britain, in the house of commons of the united kingdom, unless he shall have been previously elected, as above, to sit in the house of lords of the united kingdom; but that so long as such peer of Ireland shall so continue to be a member of the house of commons, he shall not be entitled to the privilege of peerage, nor be capable of being elected to serve as a peer on the part of Ireland, or of voting at any such election; and that he shall be liable to be sued, indicted, proceeded against, and tried as a commoner, for any offence with which he may be charged.

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shall be lawful for His Majesty, his heirs and successors, to make promotions in the peerage thereof, after the union; that no new creation of any such peers shall take place in the united kingdom until three of the peerages of Ireland, which shall be existing at the time of the union, shall have become extinct, and upon such extinction of three peerages, that it shall be lawful for His Majesty, his heirs and successors, to create one new peer of that part of the united kingdom called Ireland; and in like manner so often as three peerages of that part of the united kingdom called Ireland shall become extinct, it shall be lawful for His Majesty, his heirs and successors, to create one new peer of the said part of the united kingdom; and if it shall happen that the peers of that part of the united kingdom called Ireland shall, by extinction of peerages or otherwise, be reduced to a number of one hundred, exclusive of all such peers of that part of the united kingdom called Ireland, as shall hold any peerage of Great Britain subsisting at the time of the union, or any peerage of the united kingdom created since the union, by which such peer shall be entitled to an hereditary seat in the house of lords of the united kingdom, then and in that case it shall and may be lawful for His Majesty, his heirs and successors, to create one new peer of that part of the united kingdom called Ireland as often as one of such one hundred peerages shall fail by extinction, or when as any one peer of that part of the united kingdom called Ireland shall become entitled, by descent or creation, to an hereditary seat in the house of lords of the united kingdom; it is the true intent and meaning of this article, that at all times after the union it shall and may be lawful for His Majesty, his heirs and successors, to keep up the peerage of that part of

that case such peerage shall be deemed extinct; provided that nothing herein shall exclude any person from afterwards putting in a claim to the peerage so deemed extinct; and if such claim shall be allowed as valid, by judgment of the house of lords of the united kingdom, reported to His Majesty, such peerage shall be considered as revived; and in case any new creation of a peerage of that part of the united kingdom called Ireland, shall have taken place in the interval, in consequence of the supposed extinction of such peerage, then no new right of creation shall accrue to His Majesty, his heirs or successors, in consequence of the next extinction which shall take place of any peerage of that part of the united kingdom called Ireland:

That all questions touching the election of members to sit on the part of Ireland in the house of commons of the united kingdom shall be heard and decided in the same manner as questions touching such elections in Great Britain now are, or at any time hereafter shall by law be heard and decided; subject nevertheless to such particular regulations in respect of Ireland as, from local circumstances, the parliament of the united kingdom may from time to time deem expedient:

That the qualifications in respect of property of the members elected on the part of Ireland to sit in the house of commons of the united kingdom, shall be respectively the same as are now provided by law in the cases of elections for counties and cities and boroughs respectively in that part of Great Britain called England, unless any other provision shall hereafter be made in that respect by act of parliament of the united kingdom:

That when His Majesty, his heirs or successors, shall declare his, her, or their pleasure for holding the first or any subsequent parliament of the united kingdom, a proclamation shall issue, under the great seal of the united kingdom, to cause the lords spiritual and temporal, and commons, who are to serve in the parliament thereof on the part of Ireland, to be returned in such manner as by any act of this present session of the parliament of Ireland shall be provided; and that the lords spiritual and temporal and commons of Great Britain shall, together with the lords spiritual and temporal and commons so returned as aforesaid on the part of Ireland, constitute the two houses of the parliament of the united kingdom:

That if His Majesty, on or before the first day of January one thousand eight hundred and one, on which day the union is to take place, shall declare, under the great seal of Great Britain, that it is expedient that the lords and commons of the present

parliament of Great Britain should be the members of the respective houses of the first parliament of the united kingdom on the part of Great Britain, then the said lords and commons of the present parliament of Great Britain shall accordingly be the members of the respective houses of the first parliament of the united kingdom on the part of Great Britain; and they, together with the lords spiritual and temporal and commons, so summoned and returned as above on the part of Ireland, shall be the lords spiritual and temporal and commons of the first parliament of the united kingdom; and such first parliament may (in that case) if not sooner dissolved, continue to sit so long as the present parliament of Great Britain may now by law continue to sit, if not sooner dissolved: provided always, that until an act shall have passed in the parliament of the united kingdom, providing in what cases persons holding offices or places of profit under the crown in Ireland shall be incapable of being members of the house of commons of the parliament of the united kingdom, no greater number of members than twenty, holding such offices or places, as aforesaid, shall be capable of sitting in the said house of commons of the parliament of the united kingdom; and if such a number of members shall be returned to serve in the said house as to make the whole number of members of the said house holding such office or place as aforesaid more than twenty, then and in such case the seats or places of such members as shall have last accepted such offices or places shall be vacated, at the option of such members, so as to reduce the number of members holding such offices or places to the number of twenty; and no person holding any such office or place shall be capable of being elected or of sitting in the said house, while there are twenty persons holding such offices or places sitting in the said house; and that every one of the lords of parliament of the united kingdom, and every member of the house of commons of the united kingdom, in the first and all succeeding parliaments, shall, until the parliament of the united kingdom shall otherwise provide, take the oaths, and make and subscribe the declaration, and take and subscribe the oath now by law enjoined to be taken, made, and subscribed by the lords and commons of the parliament of Great Britain:

That the lords of parliament on the part of Ireland, in the house of lords of the united kingdom, shall at all times have the same privileges of parliament which shall belong to the lords of parliament on the part of Great Britain; and the lords spiritual and temporal respectively on the part of Ireland shall at all times

have the same rights in respect of their sitting and voting upon the trial of peers, as the lords spiritual and temporal respectively on the part of Great Britain; and that all lords spiritual of Ireland shall have rank and precedence next and immediately after the lords spiritual of the same rank and degree of Great Britain, and shall enjoy all privileges as fully as the lords spiritual of Great Britain do now or may hereafter enjoy the same (the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting on the trial of peers, excepted); and that the persons holding any temporal peerages of Ireland, existing at the time of the union, shall, from and after the union, have rank and precedence next and immediately after all the persons holding peerages of the like orders and degrees in Great Britain, subsisting at the time of the union; and that all peerages of Ireland created after the union shall have rank and precedence with the peerages of the united kingdom, so created, according to the dates of their creations; and that all peerages both of Great Britain and Ireland, now subsisting or hereafter to be created, shall in all other respects, from the date of the union, be considered as peerages of the united kingdom; and that the peers of Ireland shall, as peers of the united kingdom, be sued and tried as peers, except as aforesaid, and shall enjoy all privileges of peers as fully as the peers of Great Britain; the right and privilege of sitting in the house of lords, and the privileges depending thereon, and the right of sitting on the trial of peers, only excepted:

#### ARTICLE V

That it be the fifth article of union, that the churches of England and Ireland, as now by law established, be united into one protestant episcopal church, to be called, The United Church of England and Ireland; and that the doctrine, worship, discipline, and government of the said united church shall be, and shall remain in full force forever, as the same are now by law established for the church of England; and that the continuance and preservation of the said united church, as the established church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the union; and that in like manner the doctrine, worship, discipline, and government of the church of Scotland shall remain and be preserved as the same are now established by law, and by the act for the union of the two kingdoms of England and Scotland.

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ment of Great Britain should be the members of the respective houses of the first parliament of the united kingdom on the part of Great Britain, then the said lords and commons of the present parliament of Great Britain shall accordingly be the members of the respective houses of the first parliament of the united kingdom on the part of Great Britain; and they, together with the lords spiritual and temporal and commons, so elected and returned as above on the part of Ireland, shall be the lords spiritual and temporal and commons of the first parliament of the united kingdom; and such first parliament may (in default of being sooner dissolved, continue to sit so long as the present parliament of Great Britain may now by law continue to sit, or until sooner dissolved: provided always, that until an act shall be passed in the parliament of the united kingdom, providing in what cases persons holding offices or places of profit under the crown in Ireland shall be incapable of being members of the house of commons of the parliament of the united kingdom, a greater number of members than twenty, holding such offices or places, as aforesaid, shall be capable of sitting in the house of commons of the parliament of the united kingdom; and a number of members shall be returned to serve in the house of commons as to make the whole number of members of the house of commons holding such office or place as aforesaid more than

have the same rights in respect of their sitting and voting upon the trial of peers, as the lords spiritual and temporal respectively on the part of Great Britain; and that all lords spiritual of Ireland shall have rank and precedence next and immediately after the lords spiritual of the same rank and degree of Great Britain, and shall enjoy all privileges as fully as the lords spiritual of Great Britain do now or may hereafter enjoy the same (the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting on the trial of peers, excepted); and that the persons holding any temporal peerages of Ireland, existing at the time of the union, shall, from and after the union, have rank and precedence next and immediately after all the persons holding peerages of the like orders and degrees in Great Britain, subsisting at the time of the union; and that all peerages of Ireland created after the union shall have rank and precedence with the peerages of the united kingdom, so created, according to the dates of their creations; and that all peerages both of Great Britain and Ireland, now subsisting or hereafter to be created, shall in all other respects, from the date of the union, be considered as peerages of the united kingdom; and that the peers of Ireland shall, as peers of the united kingdom, be sued and tried as peers, except as aforesaid, and shall enjoy all privileges of peers as fully as the peers of Great Britain; the right and privilege of sitting in the house of lords, and the privileges depending thereon, and the right of sitting on the trial of peers, only excepted:

#### ARTICLE V

That it be the fifth article of union, that the churches of England and Ireland, as now by law established, be united into one protestant episcopal church, to be called, The United Church of England and Ireland; and that the doctrine, worship, discipline, and government of the said united church shall be, and shall remain in full force forever, as the same are now by law established for the church of England; and that the continuance and preservation of the said united church, as the established church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the union; and that in like manner the doctrine, worship, discipline, and government of the church of Scotland shall remain and be preserved as the same are now established by law, and by the act for the union of the two kingdoms of England and Scotland.



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clause regulating the election of representative peers  
members of the house of commons for Ireland.]  
and be it enacted, that the great seal of Ireland may, if  
His Majesty shall so think fit, after the union, be used in like man-  
ner before the union, except where it is otherwise provided by  
the foregoing articles, within that part of the united kingdom  
called Ireland; and that His Majesty may, so long as he shall  
continue the privy council of Ireland to be his privy  
council for that part of the united kingdom called Ireland.

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## Abolition of the Negro Slave Trade

(1807, March 25. 47 George III. c. 36. 47 S. L. 140.)

WHEREAS the two houses of parliament did, by their reso-  
lutions of the tenth and twenty-fourth days of July one  
thousand eight hundred and six, severally resolve, upon certain  
resolutions therein mentioned, that they would, with all practicable  
speed, take effectual measures for the abolition of the Afri-  
can trade, in such manner, and at such period, as might be

Africa, or from any island, country, territory, or place whatever, in the West Indies, or in any other part of America, not being in the dominion, possession, or occupation of His Majesty, to any other island, country, territory, or place whatever, is hereby in like manner utterly abolished, prohibited, and declared to be unlawful; \* \* \*

## 260. Disfranchisement of Grampound

(1821, June 8. 1 & 2 George IV. c. 47. 59 S. L. 103.)

**W**HEREAS there was the most notorious and general bribery and corruption previous to the election of burgesses to serve in the last parliament for the borough of Grampound, in the county of Cornwall, in order to procure the return of burgesses to serve in parliament for the said borough, and it should therefore be excluded from hereafter returning burgesses to serve in parliament: and whereas it is expedient that two additional knights of the shire should be returned for the county of York to serve in parliament in lieu of two burgesses for the borough of Grampound: may it therefore please Your Majesty that it may be enacted, and be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the borough of Grampound, in the county of Cornwall, shall cease to elect and return burgesses to serve in the high court of parliament.

II. And be it further enacted, that if, during the present parliament, the election of the two burgesses now serving therein for the same borough of Grampound or either of them, shall by death or otherwise become void, then and in every such case an additional knight or knights shall be returned to serve in the high court of parliament for the county of York; and that from the end of the present parliament, and at all times thereafter, the said county of York shall return, to serve in the high court of parliament, four knights of the shire instead of two knights of the shire, as the said county has heretofore returned; the said knights respectively to be elected and chosen by virtue of Your Majesty's writ, to be awarded by the lord chancellor or lord keeper of the great seal of that part of the united kingdom called Great Britain for the time being, in that behalf to the sheriff of

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of York, and the said knights to be elected and returned in the same manner, to all intents and purposes, as knights heretofore returned for the county of York.

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## Repeal of Corporation and Test Acts

(1828, May 9. 9 George IV. c. 17. 65 S. L. 22.)

WHEREAS an act was passed in the thirteenth year of the reign of King Charles the Second, entitled, An Act for the better governing and regulating of Corporations: and whereas an act was passed in the twenty-fifth year of the reign of King Charles the Second, entitled, An Act for preventing Dangers which might happen from Popish Recusants: and whereas another act was passed in the sixteenth year of the reign of King George the Third, entitled, An Act to indemnify Persons who have qualified themselves for Offices and Employments within the Kingdom of Great Britain, and for allowing further Time for that

deliver a certificate or to make proof of the truth of such his or their receiving the said sacrament in manner aforesaid, or as impose upon any such person or persons any penalty, forfeiture, incapacity, or disability whatsoever for or by reason of any neglect or omission to take or receive the said sacrament, within the respective periods and in the manner in the said acts respectively provided in that behalf, shall, from and immediately after the passing of this act, be and the same are hereby repealed.

II. And whereas the Protestant episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and the Protestant presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are by the laws of this realm severally established, permanently and inviolably: and whereas it is just and fitting, that on the repeal of such parts of the said acts as impose the necessity of taking the sacrament of the Lord's Supper according to the rites or usage of the Church of England as a qualification for office, a declaration to the following effect should be substituted in lieu thereof; be it therefore enacted, that every person who shall hereafter be placed, elected, or chosen in or to the office of mayor, alderman, recorder, bailiff, town clerk or common councilman, or in or to any office of magistracy, or place, trust, or employment relating to the government of any city, corporation, borough, or cinque port within England and Wales, or the town of Berwick-upon-Tweed, shall, within one calendar month next before or upon his admission into any of the aforesaid offices or trusts, make and subscribe the declaration following:

' I, A. B., do solemnly and sincerely, in the presence of God, profess, testify, and declare, upon the true faith of a Christian, that I will never exercise any power, authority, or influence which I may possess by virtue of the office of \_\_\_\_\_ to injure or weaken the Protestant church as it is by law established in England, or to disturb the said church, or the bishops and clergy of the said church, in the possession of any rights or privileges to which such church, or the said bishops and clergy, are or may be by law entitled.'

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### 262. Catholic Emancipation Act

29, April 13. 10 George IV. c. 7. 65 *S. L.* pt. 2, p. 49.)

WHEREAS by various acts of parliament certain restraints and disabilities are imposed on the Roman Catholic subjects of His Majesty, to which other subjects of His Majesty are not subjected: and whereas it is expedient that such restraints and disabilities shall be from henceforth discontinued: and whereas by certain acts certain oaths and certain declarations, commonly called the declaration against transubstantiation, and the declaration against transubstantiation and the invocation of saints and the use of the mass, as practised in the Church of Rome, are required to be taken, made, and subscribed by the subjects of His Majesty, as qualifications for sitting and voting in parliament, and for the enjoyment of certain offices, franchises, and civil rights. be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the commencement of this act all such parts of the said acts as

support, and defend, to the utmost of my power, the succession of the crown, which succession, by an act, entitled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is and stands limited to the princess Sophia, electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm: and I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated or deprived by the pope, or any other authority of the see of Rome, may be deposed or murdered by their subjects, or by any person whatsoever: and I do declare, that I do not believe that the pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or preeminence, directly or indirectly, within this realm. I do swear, that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws: and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment, as settled by law within this realm: and I do solemnly swear, that I will never exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in the united kingdom: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever.

So help me God.'

III. And be it further enacted, that wherever, in the oath here appointed and set forth, the name of His present Majesty is expressed or referred to, the name of the sovereign of this kingdom for the time being, by virtue of the act for the further limitation of the crown and better securing the right and liberties of the subject, shall be substituted from time to time, with proper words of reference thereto.

IV. Provided always, and be it further enacted, that no peer professing the Roman Catholic religion, and no person professing the Roman Catholic religion, who shall be returned a member of the house of commons after the commencement of this act, shall be capable of sitting or voting in either house of parliament respectively, unless he shall first take and subscribe the oath hereinbefore appointed and set forth, before the same persons, at

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times and places, and in the same manner as the oaths and declaration now required by law are respectively directed to be taken, made, and subscribed; and that any such person professing the Roman Catholic religion, who shall sit or vote in either house of parliament, without having first taken and subscribed in the manner aforesaid, the oath in this act appointed and set forth, shall be subject to the same penalties, forfeitures, disabilities, and the offence of so sitting or voting shall be deemed and attended by and with the same consequences, as are now enacted and provided in the case of persons sitting or voting in either house of parliament respectively, without the taking, making, and subscribing the oaths and the declaration required by law.

And be it further enacted, that it shall be lawful for persons professing the Roman Catholic religion to vote at elections of members to serve in parliament for England and for Ireland, and to vote at the elections of representative peers of Scotland and of Ireland, and to be elected such representative peers, if in all other respects duly qualified, upon taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of the declaration now by law required, and instead also of any other oath or oaths as are now by law required to be taken.

ties as are enacted by an act passed in the forty-first year of the reign of King George the Third, entitled An Act to remove Doubts respecting the Eligibility of Persons in Holy Orders to sit in the House of Commons; and proof of the celebration of any religious service by such person, according to the rites of the Church of Rome, shall be deemed and taken to be *prima facie* evidence of the fact of such person being in holy orders, within the intent and meaning of this act.

X. And be it enacted, that it shall be lawful for any of His Majesty's subjects professing the Roman Catholic religion to hold, exercise, and enjoy all civil and military offices and places of trust or profit under His Majesty, his heirs or successors, and to exercise any other franchise or civil right, except as hereinafter excepted, upon taking and subscribing, at the times and in the manner hereinafter mentioned, the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of such oath or oaths as are or may be now by law required to be taken for the purpose aforesaid by any of His Majesty's subjects professing the Roman Catholic religion.

XI. Provided always, and be it enacted, that nothing herein contained shall be construed to exempt any person professing the Roman Catholic religion from the necessity of taking any oath or oaths, or making any declaration, not hereinbefore mentioned, which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit as aforesaid.

XII. Provided also, and be it further enacted, that nothing herein contained shall extend or be construed to extend to enable any person or persons professing the Roman Catholic religion to hold or exercise the office of guardians and justices of the united kingdom, or of regent of the united kingdom, under whatever name, style, or title such office may be constituted; nor to enable any person, otherwise than as he is now by law enabled, to hold or enjoy the office of lord high chancellor, lord keeper or lord commissioner of the great seal of Great Britain or Ireland; or the office of lord lieutenant, or lord deputy, or other chief governor or governors of Ireland; or His Majesty's high commissioner to the General Assembly of the Church of Scotland.

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### 263. Reform Act of 1832

(1832, June 7. 2 William IV, c. 45.)

BEAS it is expedient to take effectual measures for correcting divers abuses that have long prevailed in the choice of persons to serve in the commons house of parliament, to amend any inconsiderable places of the right of returning members, to extend such privilege to large, populous, and wealthy towns, to increase the number of knights of the shire, to extend the elective franchise to many of His Majesty's subjects who have not hitherto enjoyed the same, and to diminish the expense of elections. Be it therefore enacted by the king's most excellent Majesty, and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that each of the boroughs enumerated in the Schedule marked A (56 in all) shall after the end of this present parliament cease to return members or members to serve in parliament.

boroughs enumerated in Schedule B (30 in all) to return members only.]

boroughs enumerated in Schedule C (22 in all) made boroughs

XVII. [Towns, which are counties of themselves, to be included in adjoining counties.]

XVIII. That no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament, or in the election of a member or members to serve in any future parliament for any city or town being a county of itself, in respect of any freehold lands or tenements whereof such person may be seised for his own life, or for the life of another, or for any lives whatsoever, except such person shall be in the actual and *bona fide* occupation of such lands or tenements, or except the same shall have come to such person by marriage, marriage settlement, devise, or promotion to any benefice or to any office, or except the same shall be of the clear yearly value of not less than 10 £ above all rents and charges payable out of or in respect of the same; any statute or usage to the contrary notwithstanding: provided always, that nothing in this act contained shall prevent any person now seised for his own life, or for the life of another, or for any lives whatsoever, of any freehold lands or tenements in respect of which he now has, or but for the passing of this act might acquire, the right of voting in such respective elections, from retaining or acquiring, so long as he shall be so seised of the same lands or tenements, such right of voting in respect thereof, if duly registered according to the respective provisions hereinafter contained.

XIX. That every male person of full age, and not subject to any legal incapacity, who shall be seised at law or in equity of any land or tenements of copyhold or any other tenure whatever except freehold, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate, of the clear yearly value of not less than 10 £ over and above all rents and charges payable out of or in respect of the same, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament for the county, or for the riding, parts, or division of the county, in which such lands or tenements shall be respectively situate.

XX. That every male person of full age, and not subject to any legal incapacity, who shall be entitled, either as lessee or assignee, to any lands or tenements, whether of freehold or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years, (whether determinable on a life or lives, or not,) of the clear yearly value of not less than 10 £ over and above all rents and charges payable out of or in respect of the

same, or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years, (whether determinable on a life or lives, or not,) of the clear yearly value of not less than 50 £ over and above all rents and charges payable out of or in respect of the same, or who shall occupy as tenant any lands or tenements for which he shall be *bona fide* liable to a yearly rent of not less than 50 £, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament for the county, or for the riding, parts, or division of the county, in which such lands or tenements shall be respectively situate: provided always, that no person, being only a sub-lessee, or the assignee of any under-lease, shall have a right to vote in such election in respect of any such term of sixty years or twenty years as aforesaid, unless he shall be in the actual occupation of the premises.

XXI. That no public or parliamentary tax, nor any church rate, county rate, or parochial rate, shall be deemed to be any charge payable out of or in respect of any lands or tenements within the meaning of this act.

XXII. That in order to entitle any person to vote in any election of a knight of the shire or other member to serve in any future parliament, in respect of any messuages, lands, or tenements, whether freehold or otherwise, it shall not be necessary that the same shall be assessed to the land tax; any statute to the contrary notwithstanding.

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XXVI. That notwithstanding anything hereinbefore contained no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament unless he shall have been duly registered according to the provisions hereinafter contained; and that no person shall be so registered in any year in respect of his estate or interest in any lands or tenements, as a freeholder, copyholder, customary tenant, or tenant in ancient demesne, unless he shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof for his own use, for six calendar months at least next previous to the last day of July in such year, which said period of six calendar months shall be sufficient, any statute to the contrary notwithstanding; and that no person shall be so registered in any year, in respect of any lands or tenements held by him as such lessee or assignee, or as such occupier and tenant as aforesaid, unless he shall have been in the actual possession thereof, or in

receipt of the rents and profits thereof for his own use, as the case may require, for twelve calendar months next previous to the last day of July in such year: provided always, that where any lands or tenements, which would otherwise entitle the owner, holder, or occupier thereof to vote in any such election, shall come to any person, at any time within such respective periods of six or twelve calendar months, by descent, succession, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to any office, such person shall be entitled in respect thereof to have his name inserted as a voter in the election of a knight or knights of the shire in the lists then next to be made, by virtue of this act as hereinafter mentioned, and, upon his being duly registered according to the provisions hereinafter contained, to vote in such election.

XXVII. That in every city or borough which shall return a member or members to serve in any future parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy, within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant, any house, warehouse, counting-house, shop, or other building, being, either separately, or jointly with any land within such city, borough, or place occupied therewith by him as owner, or therewith by him as tenant under the same landlord, of the clear yearly value of not less than 10 £, shall, if duly registered according to the provisions hereinafter contained, be entitled to vote in the election of a member or members to serve in any future parliament for such city or borough: provided always, that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid for twelve calendar months next previous to the last day of July in such year, nor unless such person, where such premises are situated in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor in such parish or township, made during the time of such his occupation so required as aforesaid, nor unless such person shall have paid, on or before the 20th of July in such year, all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises previously to the 6th of April then next preceding: provided also, that no such person shall be so registered in any year unless he shall have resided for six calendar months next previous to the last day of July in such year within the city or borough, or within the place sharing in the election for the city or borough, in re-

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which city, borough, or place respectively he shall be to vote, or within seven statute miles thereof or of any thereof.

II. That the premises in respect of the occupation of any person shall be entitled to be registered in any year, to vote in the election for any city or borough as aforesaid, shall be required to be the same premises, but may be different premises occupied in immediate succession by such person in the twelve calendar months next previous to the last day of such year, such person having paid on or before the 1st of July in such year, all the poor's rates and assessed taxes which shall previously to the 6th of April then next preceding have become payable from him in respect of all such premises so occupied by him in succession.

\* \* \* \* \*

III. That no person shall be entitled to be registered in any city or borough as a voter in the election of a member or members to any future parliament for any city or borough who shall in the twelve calendar months next previous to the last day of such year have received parochial relief or other alms, or who by the law of parliament now disqualify from voting in the election of members to serve in parliament.

XXXVIII. That the overseer of the poor of every parish and township shall, on or before the last day of July in the present year, make out or cause to be made out, according to the form numbered 3. in the said schedule (H.), an alphabetical list of all persons who shall claim as aforesaid to be inserted in such list as voters in the election of a knight or knights of the shire \* \* \*, in respect of any lands or tenements situate wholly or in part within such parish or township; and that the said overseers shall on or before the last day of July in every succeeding year make out or cause to be made out a like list, containing the names of all persons who shall be upon the register for the time being as such voters, and also the names of all persons who shall claim as aforesaid to be inserted in the last-mentioned list as such voters; and in every list so to be made out by the overseers as aforesaid, the Christian name and surname of every person shall be written at full length, together with the place of his abode, the nature of his qualification, and the local or other description of such lands or tenements, as the same are respectively set forth in his claim to vote, and the name of the occupying tenant, if stated in such claim; and the said overseers, if they shall have reasonable cause to believe that any person so claiming as aforesaid, or whose name shall appear in the register for the time being, is not entitled to vote in the election of a knight or knights of the shire \* \* \*, shall have power to add the words "objected to" opposite the name of every such person on the margin of such list; and the said overseers shall sign such list, and shall cause a sufficient number of copies of such list to be written or printed, and to be fixed on or near the doors of all the churches and chapels within their parish or township, or if there be no church or chapel therein, then to be fixed up in some public and conspicuous situation within the same respectively, on the two Sundays next after such list shall have been made; and the said overseers shall likewise keep a true copy of such list, to be perused by any person, without payment of any fee, at all reasonable hours during the first two weeks after such lists shall have been made; provided always, that every precinct or place, whether extra-parochial or otherwise, which shall have no overseers of the poor, shall for the purpose of making out such list as aforesaid be deemed to be within the parish or township adjoining thereto, such parish or township being situate within the same county, or the same riding, parts, or division of a county, as such precinct or place; and if such precinct or place shall adjoin two or more parishes or townships so situate as aforesaid, it shall be deemed to be within

the least populous of such parishes or townships according to the last census for the time being; and the overseers of the poor of every such parish or township shall insert in the list for their respective parish or township the names of all persons who shall claim as aforesaid to be inserted therein as voters. \* \* \*

XXXIX. That every person who shall be upon the register for the time being for any county, or for any riding, parts, or division of a county, or who shall have claimed to be inserted in any list for the then current year of voters \* \* \* may object to any person as not having been entitled on the last day of July then next preceding to have his name inserted in any list of voters \* \* \* so to be made out as aforesaid; and every person so objecting (save and except overseers objecting in the manner hereinbefore mentioned) shall, on or before the 25th of August in the present and in every succeeding year, give or cause to be given a notice in writing according to the form numbered 4. in the said schedule (H.), or to the like effect, to the overseers who shall have made out the list in which the name so objected to shall have been inserted; and the person so objecting shall also, on or before the 25th of August \* \* \* give to the person objected to, or leave at his place of abode as described in such list, or personally deliver to his tenant in occupation of the premises described in such list, a notice in writing according to the form numbered 5. in the said schedule (H.), or to the like effect; and the overseers shall include the names of all persons so objected to in a list according to the form numbered 6. in the said schedule (H.), and shall cause copies of the same to be fixed on or near the doors of all the churches \* \* \* on the two Sundays next preceding the 15th of September in the present and every succeeding year; and the overseers shall likewise keep a copy of the names of all the persons so objected to, to be perused by any person. \* \* \*

XI. That on the 29th of August in the present and in every succeeding year the overseers of every parish and township shall deliver the list of voters so made out as aforesaid, together with a written statement of the number of persons objected to by the overseers and by other persons, to the high constable or high constables of the hundred or other like district in which such parish or township is situate; and such high constable or high constables shall forthwith deliver all such lists, together with such statements as aforesaid, to the clerk of the peace of the county, riding, or parts, who shall forthwith make out an abstract of the number of persons objected to by the overseers and by other per-

sons in each parish or township, and transmit the same to the barrister or barristers appointed as hereinafter mentioned to revise such lists, in order that the said barrister or barristers may fix proper times and places for holding his or their courts for the revision of the said lists.

XLI. That the lord chief justice of the court of king's bench shall, in the month of July or August in the present and in every succeeding year, nominate and appoint for Middlesex, and the senior judge for the time being in the commission of assize for every other county shall, when travelling the summer circuit, \* \* \* nominate and appoint for every such county, or for each of the ridings, parts, or divisions of such county, a barrister or barristers to revise the lists of voters in the election of a knight or knights of the shire; and such barrister or barristers so appointed as aforesaid shall give public notice, as well by advertisement in some of the newspapers circulating within the county, riding, parts, or division, as also by a notice to be fixed in some public and conspicuous situation \* \* \* (\* \* \* to be given three days at the least before the commencement of his or their circuit,) that he or they will make a circuit of the county, riding, parts, or division for which he or they shall be so appointed, and of the several times and places at which he or they will hold courts for that purpose, such times being between the 15th of September inclusive and the 25th of October inclusive in the present and in every succeeding year, and he or they shall hold open courts for that purpose at the times and places so to be announced; and where two or more barristers shall be appointed for the same county, riding, parts, or division, they shall attend at the same places together, but shall sit apart from each other, and hold separate courts at the same time for the despatch of business: provided always, that no member of parliament, nor any person holding any office or place of profit under the crown, shall be appointed such barrister, and that no barristers so appointed as aforesaid shall be eligible to serve in parliament for eighteen months from the time of such his appointment. \* \* \*

XLII. That the clerk of the peace shall at the opening of the first court to be held by every such barrister \* \* \* produce or cause to be produced before him the several lists of voters for such county, riding, parts, or division which shall have been delivered to such clerk of the peace by the high constable as aforesaid; and the overseers of every parish and township who shall have made out the lists of voters shall attend the court to be held by every such barrister at the place appointed for revising the



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ing to such parish or township respectively, and shall  
to such barrister a copy of the list of the persons ob-  
so made out by them as aforesaid; and the said over-  
answer upon oath all such questions as such barrister  
to them or any of them touching any matter necessary  
g the lists of voters; and every such barrister shall re-  
e lists of voters the names of all persons to whom no  
shall have been made by the overseers, or by any other  
the manner hereinbefore mentioned; and he shall also  
the list of voters the name of every person who shall  
objected to by any person other than the overseers,  
party so objecting shall appear by himself or by some  
behalf in support of such objection; and where the  
ny person inserted in the list of voters shall have been  
by the overseers, or by any other person in the man-  
before mentioned, and such person so objecting shall  
himself or by some one on his behalf in support of  
tion, every such barrister shall require it to be proved  
erson so objected to was entitled on the last day of July  
preceding to have his name inserted in the list of vo-  
pect of the qualification described in such list; and in  
me shall not be proved to the satisfaction of such bar-  
n case it shall be proved that such person was then  
by any law or statute from voting in the election of

omission or omissions as hereinbefore last-mentioned, unless such notice as is hereinbefore required in that behalf shall have been given to the overseers, nor unless such notice as is hereinbefore required in that behalf shall have been given to such person, or left at his place of abode, or delivered to his tenant as hereinbefore mentioned.

XLIII. Provided also, that if it shall happen that any person who shall have given to the overseers of any parish or township due notice of his claim to have his name inserted in the list of voters in the election of a knight or knights of the shire, shall have been omitted by such overseers from such list, it shall be lawful for the barrister, upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such barrister that such person gave due notice of such his claim to the said overseers, and that he was entitled on the last day of July then next preceding to be inserted in the list of voters in the election of a knight or knights of the shire. \* \* \*

XLIV-LII. [Regulations for registration of voters for boroughs.]

\* \* \* \* \*

LVI. That for the purpose of defraying the expenses to be incurred by the overseers of the poor and by the clerk of the peace in carrying into effect the several provisions of this act, so far as relates to the electors for any county, or for any riding, parts, or division of a county, every person, upon giving notice of his claim as such elector to the overseers, as hereinbefore mentioned, shall pay or cause to be paid to the said overseers the sum of 1 s.; and such notice of claim shall not be deemed valid until such sum shall have been paid; and the overseers of each parish or township shall add all monies so received by them to the money collected or to be collected for the relief of the poor in such parish or townships, and such monies so added shall be applicable to the same purposes as monies collected for the relief of the poor; and that for the purpose of defraying the expenses to be incurred by the returning officer of every city and borough, and by the overseers of the several parishes and townships in every city and borough, and place sharing in the election therewith, in carrying into effect the provisions of this act, so far as relates to the electors for such city or borough, every such elector whose name shall be upon the register of voters for such city or borough for the time being shall be liable to the payment of 1 s. annually, which sum shall be levied and collected from each

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in addition to and as a part of the money payable by him in contribution to the rate for the relief of the poor, and such money shall be applicable to the same purposes as money collected for the relief of the poor; and that the expenses incurred by the overseers of any parish or township in making out, printing, and publishing the several lists and notices directed by this act, and other expenses incurred by them in carrying into effect the provisions of this act, shall be defrayed out of the money collected or to be collected for the relief of the poor in such parish or township; and that all expenses incurred by the returning officer of any city or borough in causing the lists of the electors of such city or borough to be copied out and made into a register, and in causing copies of such register to be written or printed, shall be defrayed by the overseers of the poor of the several parishes or townships within such city or borough, or place sharing the rate in relation therewith, out of the money collected or to be collected for the relief of the poor in such parishes and township, in proportion to the number of voters placed on the register of such parish or township; and that all expenses incurred by the clerk of the peace of any county, riding, or parts in causing copies of the lists of the electors for such county, riding, or parts, or division of such county, to be copied out and made into a

LXII. That at every contested election of a knight or knights to serve in any future parliament for any county, or for any riding, parts, or division of a county, the polling shall commence at nine o'clock in the forenoon of the next day but two after the day fixed for the election, unless such next day but two shall be Saturday or Sunday, and then on the Monday following, at the principal place of election, and also at the several places to be appointed as hereinafter directed for taking polls; and such polling shall continue for two days only, such two days being successive days; (that is to say,) for seven hours on the first day of polling, and for eight hours on the second day of polling; and no poll shall be kept open later than four o'clock in the afternoon of the second day; any statute to the contrary notwithstanding.

LXIII. That the respective counties in England and Wales, and the respective ridings, parts, and divisions of counties, shall be divided into convenient districts for polling, and in each district shall be appointed a convenient place for taking the poll at all elections of a knight or knights of the shire to serve in any future parliament, and such districts and places for taking the poll shall be settled and appointed by the act to be passed in this present parliament for the purpose of settling and describing the divisions of the counties enumerated in the schedule marked (F.) to this act annexed; provided that no county, nor any riding, parts, or division of a county, shall have more than fifteen districts and respective places appointed for taking the poll for such county, riding, parts, or division.

LXIV. That at every contested election for any county, riding, parts, or division of a county, the sheriff, under-sheriff, or sheriff's deputy shall, if required thereto by or on behalf of any candidate, on the day fixed for the election, and if not so required may if it shall appear to him expedient, cause to be erected a reasonable number of booths for taking the poll at the principal place of election, and also at each of the polling places so to be appointed as aforesaid, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several parishes, townships, and places for which such booth is respectively allotted; and no person shall be admitted to vote at any such election in respect of any property situate in any parish, township, or place, except at the booth so allotted for such parish, township, or place, and if no booth shall be so allotted for the same, then at any of the booths for the same district; and in case any parish, township, or place shall happen not to be included in any of the districts to be appointed, the votes in respect of

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situate in any parish, township, or places omitted shall be the principal place of election for the county, or riding or division of the county, as the case may be.

\* \* \* \* \*

That from and after the end of this present parliament erected for the convenience of taking polls shall be at the joint and equal expense of the several candidates, or shall be erected by contract with the candidates, if they think fit to make such contract, or if they shall not make such contract, then the same shall be erected by the sheriff or returning officer at the expense of the several candidates, subject to such limitation as is hereinafter next expressed, (that is to say,) that the expense to be incurred for erecting booths to be erected at the principal place of election or at any of the polling places so to be appointed as shall not exceed the sum of 40 £ in respect of any one principal place of election or any one such polling place; and the expense to be incurred for any booth or booths to be erected for any parish, district, or part of any city or borough shall not exceed the sum of 25 £ in respect of any one such parish, district, or part; and that all deputies appointed by the sheriff or returning officer shall be paid each two guineas

## 264. Abolition of Negro Slavery

(1833, August 28. 3 &amp; 4 William IV. c. 73.)

**W**HEREAS divers Persons are holden in Slavery within divers of His Majesty's Colonies, and it is just and expedient that all such Persons should be manumitted and set free, and that a reasonable Compensation should be made to the Persons hitherto entitled to the Services of such Slaves for the Loss which they will incur by being deprived of their Right to such Services: And whereas it is also expedient that Provision should be made for promoting the Industry and securing the good Conduct of the Persons so to be manumitted, for a limited Period after such their Manumission: And whereas it is necessary that the Laws now in force in the said several Colonies should forthwith be adapted to the new State and Relations of Society therein which will follow upon such general Manumission as aforesaid of the said Slaves; and that, in order to afford the necessary Time for such Adaptation of the said Laws, a short Interval should elapse before such Manumission should take effect: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of August One thousand eight hundred and thirty-four all Persons who in conformity with the Laws now in force in the said Colonies respectively shall on or before the First Day of August One thousand eight hundred and thirty-four have been duly registered as Slaves in any such Colony, and who on the said First Day of August One thousand eight hundred and thirty-four shall be actually within any such Colony, and who shall by such Registries appear to be on the said First Day of August One thousand eight hundred and thirty-four of the full Age of Six Years or upwards, shall by force and virtue of this Act, and without the previous Execution of any Indenture of Apprenticeship, or other Deed or Instrument for that Purpose, become and be apprenticed Labourers; provided that, for the Purposes aforesaid, every Slave engaged in his ordinary Occupation on the Seas shall be deemed and taken to be within the Colony to which such Slave shall belong.

II. And be it further enacted, That during the Continuance of the Apprenticeship of any such apprenticed Labourer such Person or Persons shall be entitled to the Services of such ap-

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Labourer as would for the Time being have been to his or her Services as a Slave if this Act had not been

provided also, and be it further enacted, That all Slaves at any Time previous to the passing of this Act have bought with the Consent of their Possessors, and all apprentices who may hereafter with the like Consent be brought into any Part of the United Kingdom of Great Britain and Ireland, shall from and after the passing of this Act be absolutely free to all Intents and Purposes whatsoever.

\* \* \* \* \*

And whereas, towards compensating the Persons entitled to the Services of the Slaves to be manumitted by virtue of this Act for the Loss of such Services, His Majesty's most dutiful and loyal Subjects the Commons of Great Britain and Ireland in Parliament assembled have resolved to grant to His Majesty the Sum of Twenty Millions Sterling, be it enacted, That the Lords Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland may raise such Sum or Sums of Money as shall be necessary from Time to Time under the Provisions of this Act, and that the same shall be paid out of the said Treasury as the Consideration for such Sum or Sums of

the Virgin Islands, Antigua, Montserrat, Nevis, Saint Christopher's, Dominica, Barbadoes, Grenada, Saint Vincent's, Tobago, Saint Lucia, Trinidad, British Guiana, the Cape of Good Hope, and Mauritius; and in making such Apportionment of the said Funds between the said several Colonies the said Commissioners shall and are hereby required to have regard to the Number of Slaves belonging to or settled in each of such Colonies as the same may appear and are stated according to the latest Returns made in the Office of the Registrar of Slaves in England, appointed in pursuance and under the Authority of an Act passed in the Fifty-ninth Year of His late Majesty King George the Third, intituled An Act for establishing a Registry of Colonial Slaves in Great Britain, and for making further Provision with respect to the Removal of Slaves from British Colonies; and the said Commissioners shall and they are hereby further required, in making such Apportionment as aforesaid, to have regard to the Prices for which, on an Average of Eight Years ending on the Thirty-first Day of December One thousand eight hundred and thirty, Slaves have been sold in each of the Colonies aforesaid respectively, excluding from Consideration any such Sales in which they shall have sufficient Reason to suppose that such Slaves were sold or purchased under any Reservation, or subject to any express or tacit Condition affecting the Price thereof; and the said Commissioners shall then proceed to ascertain, in reference to each Colony, what Amount of Sterling Money will represent the average Value of a Slave therein for the said Period of Eight Years; and the total Number of the Slaves in each Colony being multiplied into the Amount of Sterling Money so representing such average Value as aforesaid of a Slave therein, the Product of such Multiplication shall be ascertained for each such Colony separately; and the said Twenty Millions of Pounds Sterling shall then be assigned to and apportioned amongst the said several Colonies rateably and in proportion to the Product so ascertained for each respectively.

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### Affirmation allowed instead of Oath

(1833, August 28. 3 & 4 William IV. c. 82.)

WHEREAS there are in various Places in Ireland, and in some Parts of England, and elsewhere, certain Dissenters of the United Church of England and Ireland, and from the Church of Scotland, commonly called Separatists, the Members of that Class or Sect of Dissenters, from conscientious Scruples, refuse to take an Oath in Courts of Justice and other Places, and in consequence thereof are exposed to great Losses and Inconveniences in their Trades and Concerns, and are subject to Fines and Imprisonment for Contempt of Court, and the Community are deprived of the Benefit of their Testimony: And it is therefore expedient that the said Sect called Separatists should be relieved in manner hereinafter mentioned; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person for the Time being belonging to the said Sect called Separatists, who shall be required on any lawful Occasion to take an Oath in any Case where he

wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

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## 266. Jewish Relief Act

(1858, July 23. 21 & 22 Victoria, c. 49.)

**B**E it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Where it shall appear to either House of Parliament that a Person professing the Jewish Religion, otherwise entitled to sit and vote in such House, is prevented from so sitting and voting by his conscientious Objection to take the Oath which by an Act passed or to be passed in the present Session of Parliament has been or may be substituted for the Oaths of Allegiance, Supremacy, and Abjuration in the Form therein required, such House, if it think fit, may resolve that thenceforth any Person professing the Jewish Religion, in taking the said Oath to entitle him to sit and vote as aforesaid, may omit the Words "and I make this Declaration upon the true Faith of a Christian," and so long as such Resolution shall continue in force the said Oath, when taken and subscribed by any Person professing the Jewish Religion to entitle him to sit and vote in that House of Parliament, may be modified accordingly; and the taking and subscribing by any Person professing the Jewish Religion of the Oath so modified shall, as far as respects the Title to sit and vote in such House, have the same Force and Effect as the taking and subscribing by other Persons of the said Oath in the Form required by the said Act.

II. In all other Cases, except for sitting in Parliament as aforesaid, or in qualifying to exercise the Right of Presentation to any Ecclesiastical Benefice in Scotland, whenever any of Her Majesty's Subjects professing the Jewish Religion shall be required to take the said Oath, the Words "and I make this Declaration upon the true Faith of a Christian" shall be omitted.

III. Nothing herein contained shall extend or be construed

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to enable any Person or Persons professing the Jewish Religion to hold or exercise the Office of Guardians and Justices of the Peace for the County of London, or of Regent of the United Kingdom, or of whatever Name, Style, or Title such Office may be constituted, or of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of Great Britain or Ireland, or the Lord Lieutenant or Deputy or other Chief Governor or Governor of Ireland, or Her Majesty's High Commissioner to the General Assembly of the Church of Scotland.

There shall be no Right of Presentation to any Ecclesiastical Office, and no Office shall belong to any Office in the Gift or Appointment of Her Majesty, Her Heirs or Successors, and such Office shall be held by any Person professing the Jewish Religion, the Right of Presentation shall devolve upon and be exercised by the Archbishop of Canterbury for the Time being; and it shall not be lawful for any Person professing the Jewish Religion, directly or indirectly, to advise Her Majesty, Her Heirs or Successors, or any Ministers of State, or any Persons holding or exercising the Office of Guardians and Justices of the Peace for the County of London, or of Regent of the United Kingdom, or of whatever Name, Style, or Title such Office may be constituted, or of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of Great Britain or Ireland, or the Lord Lieutenant or Lord Deputy, or any other Governor or Governors of Ireland, touching or concerning the Right of Presentation to any Ecclesiastical Office, or the Gift or Appointment of any Office in the Gift or Appointment of Her Majesty, Her Heirs or Successors.

2. This act shall not apply to Scotland or Ireland, nor in any wise affect the election of members to serve in parliament for the universities of Oxford or Cambridge.

## PART I

### FRANCHISES

3. Every man shall, on and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in parliament for a borough, who is qualified as follows; (that is to say,)

1. Is of full age, and not subject to any legal incapacity; and
2. Is on the last day of July in any year, and has during the whole of the preceding twelve calendar months been, an inhabitant occupier, as owner or tenant, of any dwelling house within the borough; and
3. Has during the time of such occupation been rated as an ordinary occupier in respect of the premises so occupied by him within the borough to all rates (if any) made for the relief of the poor in respect of such premises; and
4. Has on or before the twentieth day of July in the same year *bona fide* paid an equal amount in the pound to that payable by other ordinary occupiers in respect of all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January:

Provided that no man shall under this section be entitled to be registered as a voter by reason of his being a joint occupier of any dwelling house.

4. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in parliament for a borough, who is qualified as follows; (that is to say,)

1. Is of full age and not subject to any legal incapacity, and
2. As a lodger has occupied in the same borough separately and as sole tenant for the twelve months preceding the last day of July in any year the same lodgings, such

lodgings being part of one and the same dwelling house, and of a clear yearly value, if let unfurnished, of ten pounds or upwards; and

3. Has resided in such lodgings for the twelve months immediately preceding the last day of July, and has claimed to be registered as a voter at the next ensuing registration of voters.

5. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in parliament for a county, who is qualified as follows; (that is to say,)

1. Is of full age, and not subject to any legal incapacity, and is seised at law or in equity of any lands or tenements of freehold, copyhold, or any other tenure whatever, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same, or who is entitled, either as lessee or assignee, to any lands or tenements of freehold or of any other tenure whatever for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years (whether determinable on a life or lives or not), of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same:

Provided that no person shall be registered as a voter under this section unless he has complied with the provisions of the twenty-sixth section of the act of the second year of the reign of His Majesty William the Fourth, Chapter forty-five.

6. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in parliament for a county, who is qualified as follows; (that is to say,)

1. Is of full age, and not subject to any legal incapacity, and
2. Is on the last day of July in any year, and has during the twelve months immediately preceding been, the occupier, as owner or tenant, of lands or tenants within the county of the rateable value of twelve pounds or upwards; and

3. Has during the time of such occupation been rated in respect to the premises so occupied by him to all rates (if any) made for the relief of the poor in respect of the said premises; and
4. Has on or before the twentieth day of July in the same year paid all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January.

\* \* \* \* \*

## PART II

### DISTRIBUTION OF SEATS

17. From and after the end of this present parliament, no borough which has a less population than ten thousand at the census of one thousand eight hundred and sixty-one shall return more than one member to serve in parliament, such boroughs being enumerated in schedule (A.) [38 in all] to this act annexed.

18. From and after the end of this present parliament, the city of Manchester, and the boroughs of Liverpool, Birmingham, and Leeds, shall each respectively return three members to serve in parliament.

19. Each of the places named in schedule (B.) [10 in all] to this act annexed shall be a borough, and, until otherwise directed by parliament, each such borough shall comprise such places as are specified and described in connection with the name of each such borough in the said schedule (B.); and in all future parliaments the borough of Chelsea, named in the said schedule, shall return two members, and each of the other boroughs named in the said schedule shall return one member to serve in parliament.

20. Registers of voters shall be formed in and after the year one thousand eight hundred and sixty-eight, notwithstanding the continuance of this present parliament, for or in respect of the boroughs constituted by this act, in like manner as if before the passing of this act they respectively had been boroughs returning members to serve in parliament.

21. From and after the end of the present parliament, the boroughs of Merthyr Tydfil and Salford shall each return two members instead of one to serve in future parliaments; and the borough of the Tower Hamlets shall be divided into two divisions, and each division shall in all future parliaments be a separate borough returning two members to serve in parliament.

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and divisions shall be known by the name of the borough of Hackney and the borough of the Tower Hamlets, and, until otherwise directed by parliament, shall comprise the places mentioned in connection with each such borough in schedule (C.) annexed.

Registers of voters shall be formed in and after the year one thousand eight hundred and sixty-eight, notwithstanding the commencement of this present parliament, in respect of the said boroughs of Hackney and of the Tower Hamlets constituted by this act in like manner as if such divisions had previously existed, and, in the absence of this act been separate boroughs returning members to serve in parliament.

From and after the end of the present parliament, each county named in the first column of schedule (D.) [8 counties divided into 3 divisions, 4 divisions of counties made in 1837 divided into 2 divisions, and the west riding of Yorkshire divided into 3 divisions] to this act annexed shall be divided into the divisions named in the second column of the said schedule, and, unless otherwise directed by parliament, each of such divisions shall consist of the hundreds, lathes, wapentakes, and places named in the third column of the said schedule.

In future parliaments there shall be two members to serve for each of the divisions specified in the said second column,

PART III

SUPPLEMENTAL PROVISION

• • • • •

REGISTRATION OF VOTERS

30. The following regulations shall in and after the year one thousand eight hundred and sixty-eight be observed with respect to the registration of voters:

1. The overseers of every parish or township shall make out or cause to be made out a list of all persons on whom a right to vote for a county in respect of the occupation of premises is conferred by this act, in the same manner, and subject to the same regulations, as nearly as circumstances admit, in and subject to which the overseers of parishes and townships in boroughs are required by the registration acts to make out or cause to be made out a list of all persons entitled to vote for a member or members for a borough in respect of the occupation of premises of a clear yearly value of not less than ten pounds:

• • • • •

MISCELLANEOUS

51. Whereas great inconvenience may arise from the enactments now in force limiting the duration of the parliament in being at the demise of the crown: be it therefore enacted, that the parliament in being at any future demise of the crown shall not be determined or dissolved by such demise, but shall continue so long as it would have continued but for such demise, unless it should be sooner prorogued or dissolved by the crown, anything in the act passed in the sixth year of Her late Majesty queen Anne, chapter seven, in any way notwithstanding.

52. Whereas it is expedient to amend the law relating to offices of profit the acceptance of which from the crown vacates the seats of members accepting the same, but does not render them incapable of being reëlected: be it enacted, that where a person has been returned as a member to serve in parliament since the acceptance by him from the crown of any office described in schedule (H.) to this act annexed, the subsequent acceptance by him from the crown of any other office or offices described in such schedule in lieu of and in immediate succession the one to the other shall not vacate his seat.

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## English Constitutional Documents

### Disestablishment of the Irish Church

(1869, July 26. 32 & 33 Victoria, c. 42.)

WHEREAS it is expedient that the union created by act of parliament between the churches of England and Ireland, as so established, should be dissolved, and that the Church of Ireland, as so separated, should cease to be established by that after satisfying, so far as possible, upon principles of equity as between the several religious denominations of Ireland, just and equitable claims, the property of the said Church of Ireland, or the proceeds thereof, should be applied in such manner as parliament shall hereafter direct:

Whereas Her Majesty has been graciously pleased to signify that she has placed at the disposal of parliament her interests in the several archbishoprics, bishoprics, benefices, cathedral prebends, and other ecclesiastical dignities and offices in Ireland. Therefore enacted by the queen's most excellent Majesty, with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, by the authority of the same, as follows:

This act may be cited for all purposes as "The Irish

Such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this act referred to as "public school accommodation," the deficiency shall be supplied in manner provided by this act.

6. Where the education department, in the manner provided by this act, are satisfied and have given public notice that there is an insufficient amount of such accommodation for any school district, and the deficiency is not supplied as herein-after required, a school board shall be formed for such district and shall supply such deficiency, and in case of default by the school board the education department shall cause the duty of such board to be performed in manner provided by this act.

\* \* \* \* \*

#### MANAGEMENT AND MAINTENANCE OF SCHOOLS BY SCHOOL BOARD

14. Every school provided by a school board shall be conducted under the control and management of such board in accordance with the following regulations:

- (1) The school shall be a public elementary school within the meaning of this act:
- (2) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

\* \* \* \* \*

17. Every child attending a school provided by any school board shall pay such weekly fee as may be prescribed by the school board, with the consent of the education department, but the school board may from time to time, for a renewable period not exceeding six months, remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent.

\* \* \* \* \*

#### CONSTITUTION OF SCHOOL BOARDS

29. The school board shall be elected in manner provided by this act, — in a borough by the persons whose names are on the burgess roll of such borough for the time being in force, and in a parish not situate in the metropolis by the ratepayers.

## English Constitutional Documents

By such election every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks proper.

The school board in the metropolis shall be elected in manner hereafter provided by this act.

With respect to the constitution of a school board the following provisions shall have effect:

The school board shall be a body corporate, by the name of the school board of the district to which they belong, having a perpetual succession and a common seal, with power to acquire and hold land for the purposes of this act without any license in mortmain:

• • • • •

Where the education department are of opinion that it is expedient to form a school district larger than a parish or a parish or any school district formed under this act, except in the metropolis, by order made after such notice as herein after mentioned, form a united school district by uniting any two or more adjoining school dis-

**PART I**

**PARLIAMENTARY ELECTIONS**

**PROCEDURE AT ELECTIONS**

1. A candidate for election to serve in parliament for a county or borough shall be nominated in writing. The writing shall be subscribed by two registered electors of such county or borough as proposer and seconder, and by eight other registered electors of the same county or borough as assenting to the nomination, and shall be delivered during the time appointed for the election to the returning officer by the candidate himself, or his proposer or seconder.

If at the expiration of one hour after the time appointed for the election no more candidates stand nominated than there are vacancies to be filled up, the returning officer shall forthwith declare the candidates who may stand nominated to be elected, and return their names to the clerk of the crown in chancery; but if at the expiration of such hour more candidates stand nominated than there are vacancies to be filled up, the returning officer shall adjourn the election and shall take a poll in manner in this act mentioned.

A candidate may, during the time appointed for the election, but not afterwards, withdraw from his candidature by giving a notice to that effect, signed by him, to the returning officer: provided that the proposer of a candidate nominated in his absence out of the United Kingdom may withdraw such candidate by a written notice signed by him and delivered to the returning officer, together with a written declaration of such absence of the candidate.

If after the adjournment of an election by the returning officer for the purpose of taking a poll one of the candidates nominated shall die before the poll has commenced, the returning officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all the proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received by the returning officer on the day on which proof was given to him of such death; provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

2. In the case of a poll at an election the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in this act called a ballot paper) showing the names and descrip-

## English Constitutional Documents

...dates. Each ballot paper shall have a number  
back, and shall have attached a counterfoil with the  
printed on the face. At the time of voting, the  
shall be marked on both sides with an official mark,  
to the voter within the polling station, and the  
voter on the register of voters shall be marked on  
and the voter having secretly marked his vote on  
folded it up so as to conceal his vote, shall place  
box in the presence of the officer presiding at the  
in this act called "the presiding officer") after  
him the official mark at the back.

...per which has not on its back the official mark,  
es are given to more candidates than the voter is  
for, or on which anything, except the said num-  
is written or marked by which the voter can be  
be void and not counted.

...e of the poll the ballot boxes shall be sealed up,  
the introduction of additional ballot papers, and  
harge of by the returning officer, and that officer  
sence of such agents, if any, of the candidates as  
alance, open the ballot boxes, and ascertain the  
l by counting the votes given to each candidate,  
th declare to be elected the candidates or candi-  
e majority of votes have been given, and return  
he clerk of the crown in chancery. The decision  
g officer as to any question arising in respect of  
t shall be final, subject to reversal on petition  
election or return.

...ality of votes is found to exist between any can-  
et on for a county or borough, and the addition

parliamentary election, and, subject to the modifications expressed in the schedules annexed hereto, such provision of this act and of the said schedules as relate to or are concerned with a poll at a parliamentary election shall apply to a poll at a contested municipal election: \* \* \*

\* \* \* \* \*

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## 271. Supreme Court of Judicature Act

(1873, August 5. 36 & 37 Victoria, c. 66.)

**W**HEREAS it is expedient to constitute a supreme court, and to make provision for the better administration of justice in England:

And whereas it is also expedient to alter and amend the law relating to the judicial committee of Her Majesty's privy council:

Be it enacted by the queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, as follows:

### PRELIMINARY

1. This act may be cited for all purposes as the "Supreme Court of Judicature Act, 1873."

2. This act, except any provision thereof which is declared to take effect on the passing of this act, shall commence and come into operation on the second day of November, 1874.

### PART I

#### CONSTITUTION AND JUDGES OF SUPREME COURT

3. From and after the time appointed for the commencement of this act, the several courts herein-after mentioned, (that is to say,) the high court of chancery of England, the court of queen's bench, the court of common pleas at Westminster, the court of exchequer, the high court of admiralty, the court of probate, the court for divorce and matrimonial causes, and the London court of bankruptcy, shall be united and consolidated

## English Constitutional Documents

and shall constitute, under and subject to the provisions of this act, one supreme court of judicature in England. The said supreme court shall consist of two permanent judges, one of which, under the name of "Her Majesty's High Court of Justice," shall have and exercise original jurisdiction, and the other of which, under the name of "Her Majesty's Court of Appeal," shall have and exercise appellate jurisdiction from inferior courts as is herein-mentioned, and the other of which, under the name of "Her Majesty's Court of Appeal," shall have and exercise appellate jurisdiction, with such original jurisdiction as hereinafter provided as may be incident to the determination of any

er Majesty's high court of justice shall be constituted as

The first judges thereof shall be the lord chancellor, chief justice of England, the master of the rolls, the judge of the common pleas, the lord chief baron of exchequer, the several vice-chancellors of the high court of chancery, the judge of the court of probate and of the court for and matrimonial causes, the several puisne justices of the court of queen's bench and common pleas respectively, the several barons of the court of exchequer, and the judge of the court of admiralty, except such, if any, of the aforesaid as shall be appointed ordinary judges of the court of appeal. Notwithstanding the provisions herein-after contained, whenever the

ment number of judges of the said high court shall not exceed twenty-one.

All the judges of the said court shall have in all respects, save as in this act is otherwise expressly provided, equal power, authority, and jurisdiction; and shall be addressed in the manner which is now customary in addressing the judges of the superior courts of common law.

The lord chief justice of England for the time being shall be president of the said high court of justice in the absence of the lord chancellor.

6. Her Majesty's court of appeal shall be constituted as follows:— There shall be five ex-officio judges thereof, and also so many ordinary judges (not exceeding nine at any one time) as Her Majesty shall from time to time appoint. The ex-officio judges shall be the lord chancellor, the lord chief justice of England, the master of the rolls, the lord chief justice of the common pleas, and the lord chief baron of the exchequer. The first ordinary judges of the said court shall be the existing lords justices of appeal in chancery, the existing salaried judges of the judicial committee of Her Majesty's privy council, appointed under the "Judicial Committee Act, 1871," and such three other persons as Her Majesty may be pleased to appoint by letters patent; such appointment may be made either within one month before or at any time after the day appointed for the commencement of this act, but if made before shall take effect at the commencement of this act.

Besides the said ex-officio judges and ordinary judges, it shall be lawful for Her Majesty (if she shall think fit), from time to time to appoint under her royal sign manual, as additional judges of the court of appeal, any persons who, having held in England the office of a judge of the superior courts of Westminster hereby united and consolidated, or of Her Majesty's supreme court hereby constituted, or in Scotland the office of lord justice general or lord justice clerk, or in Ireland the office of lord chancellor or lord justice of appeal, or in India the office of chief justice of the high court of judicature at Fort William in Bengal, or Madras, or Bombay, shall respectively signify in writing their willingness to serve as such additional judges in the court of appeal. No such additional judge shall be deemed to have undertaken the duty of sitting in the court of appeal when prevented from so doing by attendance in the house of lords, or on the discharge of any other public duty, or by any other reasonable impediment.



## English Constitutional Documents

ordinary and additional judges of the court of appeal shall be lords justices of appeal. All the judges of the said court shall have, in all respects, save as in this act is otherwise mentioned, equal power, authority, and jurisdiction. Whenever the office of an ordinary judge of the court of appeal shall be vacant, a new judge may be appointed thereto by Her Majesty by letters patent.

The lord chancellor for the time being shall be president of the court of appeal.

• • • • •

The judges of the high court of justice, and of the court of appeal, respectively, shall hold their offices for life, subject to a removal by Her Majesty, on an address presented to Her Majesty by both houses of parliament. No judge of either of the said courts shall be capable of being elected to or of sitting in the house of commons. Every judge of either of the said courts (other than the lord chancellor) when he enters on the exercise of his office, shall take, in the presence of the lord chancellor, an oath of allegiance, and judicial oath as defined by the Oaths Act, 1868. The oaths to be taken by the lord chancellor shall be the same as heretofore.

• • • • •

- (6) The court of probate;
- (7) The court for divorce and matrimonial causes;
- (8) The London court of bankruptcy;
- (9) The court of common pleas at Lancaster;
- (10) The court of pleas at Durham;
- (11) The courts created by commissions of assize, of oyer and terminer, and of jail delivery, or any of such commissions:

The jurisdiction by this act transferred to the high court of justice shall include, (subject to the exceptions herein-after contained,) the jurisdiction which, at the commencement of this act, was vested in, or capable of being exercised by, all or any one or more of the judges of the said courts, respectively, sitting in court or chambers, or elsewhere, when acting as judges or a judge, in pursuance of any statute, law, or custom, and all powers given to any such court, or to any such judges or judge, by any statute; and also all ministerial powers, duties, and authorities, incident to any and every part of the jurisdictions so transferred.

17. There shall not be transferred to or vested in the said high court of justice, by virtue of this act,—

- (1) Any appellate jurisdiction of the court of appeal in chancery, or of the same court sitting as a court of appeal in bankruptcy;
- (2) Any jurisdiction of the court of appeal in chancery of the county palatine of Lancaster;
- (3) Any jurisdiction usually vested in the lord chancellor or in the lords justices of appeal in chancery, or either of them, in relation to the custody of the persons and estates of idiots, lunatics, and persons of unsound mind;
- (4) Any jurisdiction vested in the lord chancellor in relation to grants of letters patent, or the issue of commissions or other writings, to be passed under the great seal of the United Kingdom;
- (5) Any jurisdiction exercised by the lord chancellor in right of or on behalf of Her Majesty as visitor of any college, or of any charitable or other foundation;
- (6) Any jurisdiction of the master of the rolls in relation to records in London or elsewhere in England.

18. The court of appeal established by this act shall be a superior court of record, and there shall be transferred to and vested in such court all jurisdictions and powers of the courts following; (that is to say,)

- (1) All jurisdictions and powers of the lord chancellor and of the court of appeal in chancery, in the exercise of his and its appellate jurisdiction, and of the same court as a court of appeal in bankruptcy:
- (2) All jurisdiction and powers of the court of appeal in chancery of the county palatine of Lancaster, and all jurisdiction and powers of the chancellor of the duchy and county palatine of Lancaster when sitting alone or apart from the lords justices of appeal in chancery as a judge of re-hearing or appeal from decrees or orders of the court of chancery of the county palatine of Lancaster:
- (3) All jurisdiction and powers of the court of the lord warden of the Stannaries assisted by his assessors, including all jurisdiction and powers of the said lord warden when sitting in his capacity of judge:
- (4) All jurisdiction and powers of the court of exchequer chamber:
- (5) All jurisdiction vested in or capable of being exercised by Her Majesty in council, or the judicial committee of Her Majesty's privy council, upon appeal from any judgment or order of the high court of admiralty, or from any order in lunacy made by the lord chancellor, or any other person having jurisdiction in lunacy.

19. The said court of appeal shall have jurisdiction and power to hear and determine appeals from any judgment or order, save as herein-after mentioned, of Her Majesty's high court of justice, or of any judges or judge thereof, subject to the provisions of this act, and to such rules and orders of court for regulating the terms and conditions on which such appeals shall be allowed, as may be made pursuant to this act.

For all the purposes of and incidental to the hearing and determination of any appeal within its jurisdiction, and the amendment, execution, and enforcement of any judgment or order made on any such appeal, and for the purpose of every other authority expressly given to the court of appeal by this act, the said court of appeal shall have all the power, authority, and jurisdiction by this act vested in the high court of justice.

20. No error or appeal shall be brought from any judgment or order of the high court of justice, or of the court of appeal, nor from any judgment or order, subsequent to the commencement of this act, of the court of chancery of the county palatine of

Lancaster, to the house of lords or to the judicial committee of Her Majesty's privy council; but nothing in this act shall prejudice any right existing at the commencement of this act to prosecute any pending writ of error or appeal, or to bring error or appeal to the house of lords or to Her Majesty in council, or to the judicial committee of the privy council, from any prior judgment or order of any court whose jurisdiction is hereby transferred to the high court of justice or to the court of appeal.

21. It shall be lawful for Her Majesty, if she shall think fit, at any time hereafter by order in council to direct that all appeals and petitions whatsoever to Her Majesty in council which according to the laws now in force ought to be heard by or before the judicial committee of Her Majesty's privy council, shall, from and after a time to be fixed by such order, be referred for hearing to and be heard by Her Majesty's court of appeal; and from and after the time fixed by such order, all such appeals and petitions shall be referred for hearing to and be heard by the said court of appeal accordingly, and shall not be heard by the said judicial committee; and for all the purposes of and incidental to the hearing of such appeals or petitions, and the reports to be made to Her Majesty thereon, and all orders thereon to be afterwards made by Her Majesty in council, and also for all purposes of and incidental to the enforcement of any such orders as may be made by the said court of appeals or by Her Majesty, pursuant to this section (but not for any other purpose), all the power, authority, and jurisdiction now by law vested in the said judicial committee shall be transferred to and vested in the said court of appeal.

The court of appeal, when hearing any appeals in ecclesiastical causes which may be referred to it in manner aforesaid, shall be constituted of such and so many of the judges thereof, and shall be assisted by such assessors being archbishops or bishops of the Church of England, as Her Majesty, by any general rules made with the advice of the judges of the said court, or any five of them (of whom the lord chancellor shall be one), and of the archbishops and bishops who are members of Her Majesty's privy council, or any two of them (and which general rules shall be made by order in council), may think fit to direct: provided that such rules shall be laid before each house of parliament within forty days of the making of the same, if parliament be then sitting, or if not, then within forty days of the commencement of the then next ensuing session; and if an address is presented to Her Majesty by either house of parliament within the next sub-

## English Constitutional Documents

erty days on which the said house shall have sat, praying  
uch rule may be annulled, Her Majesty may thereupon  
in council annul the same; and the rules so annulled  
forth become void and of no effect, but without preju-  
e validity of any proceeding which may in the mean-  
been taken under the same.

om and after the commencement of this act the several  
ons which by this act are transferred to and vested in  
high court of justice and the said court of appeal re-  
shall cease to be exercised, except by the said high  
justice and the said court of appeal respectively, as pro-  
his act; \* \* \*

\* \* \* \* \*

aw and equity to be concurrently administered by both  
Court of Justice and the Court of Appeal.]

\* \* \* \* \*

for the more convenient dispatch of business in the said  
of justice (but not so as to prevent any judge from sit-  
ever required in any divisional court, or for any judge  
ent division from his own), there shall be in the said  
five divisions consisting of such number of judges

3. Subject as in this Act mentioned, an appeal shall lie to the House of Lords from any order or judgment of any of the courts following ; that is to say,

- (1) of Her Majesty's Court of Appeal in England ; and
- (2) of any Court in Scotland from which error or an appeal at or immediately before the commencement of this Act lay to the House of Lords by common law or by statute ; and
- (3) of any Court in Ireland from which error or an appeal at or immediately before the commencement of this Act lay to the House of Lords by common law or by statute.

4. Every appeal shall be brought by way of petition to the House of Lords, praying that the matter of the order or judgment appealed against may be reviewed before Her Majesty the Queen in Her Court of Parliament, in order that the said Court may determine what of right, and according to the law and custom of this realm, ought to be done in the subject-matter of such appeal.

5. An appeal shall not be heard and determined by the House of Lords unless there are present at such hearing and determination not less than three of the following persons, in this Act designated Lords of Appeal ; that is to say,

- (1) The Lord Chancellor of Great Britain for the time being ; and
- (2) The Lords of Appeal in Ordinary to be appointed as in this Act mentioned ; and
- (3) Such Peers of Parliament as are for the time being holding or have held any of the offices in this Act described as high judicial offices.

6. For the purpose of aiding the House of Lords in the hearing and determination of appeals, Her Majesty may, at any time after the passing of this Act, by letters patent appoint two qualified persons to be Lords of Appeal in Ordinary, but such appointment shall not take effect until the commencement of this Act.

A person shall not be qualified to be appointed by Her Majesty a Lord of Appeal in Ordinary unless he has been at or before the time of his appointment the holder for a period of not less than two years of some one or more of the offices in this Act described as high judicial offices, or has been at or before such time as aforesaid, for not less than fifteen years, a practising barrister in England or Ireland, or a practising advocate in Scotland.

Every Lord of Appeal in Ordinary shall hold his office during good behaviour, and shall continue to hold the same notwith-

standing the demise of the Crown, but he may be removed from such office on the address of both Houses of Parliament.

There shall be paid to every Lord of Appeal in Ordinary a salary of six thousand pounds a year.

Every Lord of Appeal in Ordinary, unless he is otherwise entitled to sit as a member of the House of Lords, shall by virtue and according to the date of his appointment be entitled during his life to rank as a Baron by such style as Her Majesty may be pleased to appoint, and shall during the time that he continues in his office as a Lord of Appeal in Ordinary, and no longer, be entitled to a writ of summons to attend, and to sit and vote in the House of Lords; his dignity as a Lord of Parliament shall not descend to his heirs.

On any Lord of Appeal in Ordinary vacating his office, by death, resignation, or otherwise, Her Majesty may fill up the vacancy by the appointment of another qualified person.

A Lord of Appeal in Ordinary shall, if a Privy Councillor, be a member of the Judicial Committee of the Privy Council, and, subject to the due performance by a Lord of Appeal in Ordinary of his duties as to the hearing and determining of appeals in the House of Lords, it shall be his duty, being a Privy Councillor, to sit and act as a member of the Judicial Committee of the Privy Council.

\* \* \* \* \*



### 273. Abolition of Names of King's Bench, Common Pleas, and Exchequer for Divisions of the High Court of Justice

(1877, April 24. 40 Victoria, c. 9.)

\* \* \* \* \*

4. AND whereas it is expedient that a uniform style should be provided for the ordinary judges of the court of appeal and for the judges of the high court of justice (other than the presidents of divisions): be it enacted, that the ordinary judges of the court of appeal shall be styled Lords Justices of Appeal, and the judges of the high court of justice (other than the presidents of divisions) shall be styled Justices of the High Court.

\* \* \* \* \*

## 274. Abolition of Certain Judicial Offices

(1881, August 27. 44 & 45 Victoria, c. 68.)

\* \* \* \* \*

2. FROM and after the passing of this act the present and every **F**uture Master of the Rolls shall cease to be a judge of Her Majesty's high court of justice, but shall continue by virtue of his **O**ffice to be a judge of Her Majesty's court of appeal.

\* \* \* \* \*

25. Where by any statute any power is given to or any act is required or authorised to be done by the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer, or either of them, either solely or jointly with the Lord Chief Justice of the Queen's Bench or the Lord Chief Justice of England, and either with or without the Lord Chancellor or any judge, officer, or person, such power may henceforth be exercised and such act done by the Lord Chief Justice of England; and where by any statute the concurrence of the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, or either of them, is required for the exercise of any power, or the performance of any act, it shall be sufficient henceforth that the Lord Chief Justice of England shall concur therein.

\* \* \* \* \*

## 275. Reform Act of 1884

(1884, December 6. 48 Victoria, c. 3.)

**B**E it enacted by the queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, as follows :

### PRELIMINARY

1. This act may be cited as the Representation of the People Act, 1884.



## EXTENSION OF THE HOUSEHOLD AND LODGER FRANCHISE

2. A uniform household franchise and a uniform lodger franchise at elections shall be established in all counties and boroughs throughout the united kingdom, and every man possessed of a household qualification or a lodger qualification shall, if the qualifying premises be situate in a county in England or Scotland, be entitled to be registered as a voter, and when registered to vote at an election for such county, and if the qualifying premises be situate in a county or borough in Ireland, be entitled to be registered as a voter, and when registered to vote at an election for such county or borough.

3. Where a man himself inhabits any dwelling-house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by any person under whom such man serves in such office, service, or employment, he shall be deemed for the purposes of this act and of the representation of the people acts to be an inhabitant occupier of such dwelling-house as a tenant.

• • • • •



## 276. Third Redistribution of Parliamentary Seats

(1885, June 25. 48 & 49 Victoria, c. 23.)

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament and by the authority of the same, as follows:

### PRELIMINARY

1. This act may be cited as "The Redistribution of Seats Act, 1885."

## PART I

### REDISTRIBUTION

#### *Boroughs*

2. From and after the end of this present parliament the parliamentary boroughs named in the first part of the First Schedule [103 in all] shall cease as boroughs to return any member.

\* \* \* \* \*

3. [Boroughs of Macclesfield and Sandwich disfranchised for corruption.]

4. From and after the end of this present parliament the City of London shall return two members, and no more, and each of the parliamentary boroughs named in the Second Schedule [39 in all] shall return one member, and no more.

5. [Parliamentary boroughs named in Third Schedule [19 in all] given additional members.]

6. [Towns and places named in the Fourth Schedule [33 in all] made parliamentary boroughs.]

7. [Alterations of boundaries of boroughs.]

8. [Division of boroughs for electoral purposes.]

#### *Counties*

9. [Division of counties for electoral purposes into divisions returning one member each — the counties of England and Wales into 244 divisions, the counties of Scotland into 46 divisions, and the counties of Ireland into 85 divisions.]

\* \* \* \* \*



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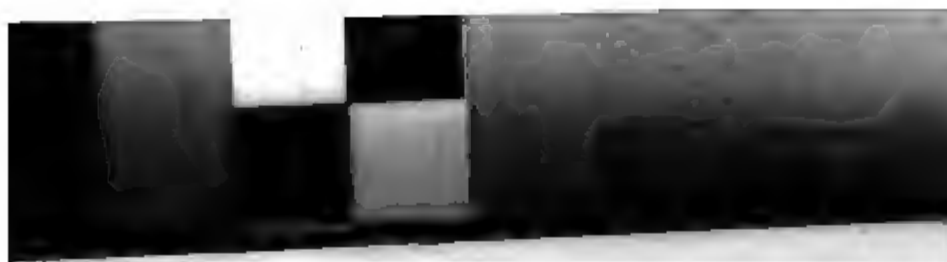
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